

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**THIRD**  
**EXTRAORDINARY**  
**SESSION OF 1983**

**HELD IN THE CITY OF MONTGOMERY, ALABAMA**  
**COMMENCING TUESDAY, NOVEMBER 15, 1983**



**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

# CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
4. A topic index of local bills listed alphabetically by counties;
5. A topic index of resolutions;
6. A miscellaneous index, including all items not categorized as bills or resolutions;
7. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
8. A Senate bill numerical index, with short titles; and
9. A House bill numerical index.
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**JOURNAL OF THE SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**THIRD EXTRAORDINARY SESSION**  
**OF 1983**

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**FIRST LEGISLATIVE DAY**  
**TUESDAY, NOVEMBER 15, 1983**

BE IT REMEMBERED, That on the 15th day of November, A.D., 1983, George Wallace, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

**STATE OF ALABAMA**  
**PROCLAMATION**  
**BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122, of the Constitution of Alabama, 1901:

NOW, THEREFORE, I, George C. Wallace, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the seat of government, State Capitol, in Montgomery, Alabama, at 4:00 p.m., on Tuesday, November 15, 1983, and I do hereby designate the following subjects and matters, which I as Governor deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Each House of the Legislature shall consider whether or not they deem it appropriate to reorganize and, if either house deems it appropriate to reorganize, then said House or Senate, as the case may be, shall reorganize according to their respective rules.

2. Legislation to allocate funds currently on hand or expected to be received by the State and available for allocation in the near future. It being contemplated that this allocation of funds will be made to solve the emergency situation which exists in the areas of prisons, prison overcrowding, state prisoners in county jails, and housing of the criminally insane or those found not guilty by reason of insanity. Said appropriations may be absolute or conditional, according to the availability of funds. To consider general matters relating to prisons and prison funding and prison overcrowding, as deemed appropriate by the Legislature.

3. Legislation to appropriate additional funding necessary for the completion of the proposed renovation project for the state capitol building in Montgomery, Alabama.

4. Legislation, for the appropriation of necessary funds for the payment of special election expenses incurred as a result of the special general legislative elections ordered by the federal courts, for the payment of newspaper publication expenses relating to constitutional amendments, legislation for allocation of the necessary monies for the State's expenses in carry-

ing out the presidential primary election in 1984, and legislation for the allocation of monies for the payment of the contempt of court fine which is currently assessed against Attorney General Graddick.

5. To consider matters of local legislation.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State, at the capitol, in the City of Montgomery, on this the 14th day of November, 1983.

GEORGE C. WALLACE,  
Governor.

ATTEST:

DON SIEGELMAN  
Secretary of State.

Pursuant to such proclamation, at the hour of 4 o'clock P.M. on Tuesday, November 15, 1983, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable Bill Baxley, Lieutenant Governor and President and Presiding Officer of the Senate, McDowell Lee, Secretary, was present and acted as such according to law.

#### PRAYER

The Session was opened with prayer by the Reverend Lawson Bryan, Minister, Dexter Avenue United Methodist Church, Montgomery, Alabama.

#### STATE OF ALABAMA

I, Don Siegelman, Secretary of State of the State of Alabama, do hereby certify that it appears from the returns of the election held on November 8, 1983, received in this office in accordance with law, that the following named persons were elected to the State Senate for a term ending in 1986, from the Thirty-Five Districts as follows:

District No. 1, Bobby E. Denton

District No. 2, Jim Smith

District No. 3, Gary Aldridge

District No. 4, Steve Cooley

District No. 5, Charles Bishop

District No. 6, Roger Bedford, Jr.

District No. 7, Bill Smith

District No. 8, Lowell Barron

District No. 9, Hinton Mitchem

District No. 10, Bill Drinkard

District No. 11, John A. Teague

District No. 12, Donald G. Holmes

District No. 13, Gerald Dial

District No. 14, Frank Ellis, Jr.



District No. 15, John Amari  
District No. 16, William J. Cabaniss, Jr.  
District No. 17, Mac Parsons  
District No. 18, J. Richmond Pearson  
District No. 19, Jim Bennett  
District No. 20, Earl F. Hilliard  
District No. 21, Ryan deGraffenried  
District No. 22, Frances Strong  
District No. 23, Hank Sanders  
District No. 24, Earl Goodwin  
District No. 25, Larry Dixon  
District No. 26, Charles D. Langford  
District No. 27, T. D. (Ted) Little  
District No. 28, Danny Corbett  
District No. 29, Chip Bailey  
District No. 30, J. Foy Covington, Jr.  
District No. 31, E. C. (Crum) Foshee  
District No. 32, Perry Hand  
District No. 33, Michael A. Figures  
District No. 34, Ann Bedsole  
District No. 35, Bill Menton

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the Capitol, City of Montgomery, on this day.

November 15th 1983

DON SIEGELMAN,  
Secretary of State.

#### STATEMENT BY PRESIDING OFFICER

The President and Presiding Officer of the Senate made the following statement relative to the Oath of Office, to-wit:

"The oath of office prescribed by the Constitution of the State of Alabama has previously been administered to the following members of the Senate certified elected by the Secretary of State on November 15, 1983, their credentials having been presented, and oath of office subscribed to by each Senator, to-wit:

"Gary Aldridge, Larry D. Dixon, Bill Drinkard, Frank Ellis, Jr., Michael A. Figures, Earl Goodwin, Charles D. Langford, Henry Sanders, James P. (Jim) Smith."

#### OATH OF OFFICE

Upon the request of the President and Presiding Officer of the Senate,

Honorable Bill Baxley, the following Senators-elect came forward, presented their credentials, and the Honorable Bill Baxley administered to them the oath of office prescribed by the Constitution of the State, and each Senator-elect came forward and subscribed his name to the oath of office as follows:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me God.

"John Amari, Chip Bailey, Lowell Barron, Roger Bedford, Ann Bedsole, Jim Bennett, Charles Bishop, Bill Cabaniss, Steve Cooley, Danny Corbett, Foy Covington, Ryan deGraffenried, Bobby Denton, Gerald Dial, Crum Foshee, Perry Hand, Earl Hilliard, Donald Holmes, Ted Little, Bill Menton, Hinton Mitchem, Mac Parsons, J. Richmond Pearson, Bill Smith, Frances Strong, John Teague."

### ROLL CALL

Whereupon, on a call of the roll, the following Senators answered to their names, a quorum of the Senate:

Senators:	Cabaniss	Ellis	Menton
Aldridge	Cooley	Figures	Mitchem
Amari	Corbett	Foshee	Parsons
Bailey	Covington	Goodwin	Pearson
Barron	deGraffenried	Hand	Sanders
Bedford	Denton	Hilliard	Smith (B)
Bedsole	Dial	Holmes	Smith (J)
Bennett	Dixon	Langford	Strong
Bishop	Drinkard	Little	Teague

—35

### STATEMENT BY THE PRESIDING OFFICER

The proclamation issued by the Governor of the State of Alabama, directing that the Legislature of the State convene in extraordinary session, dated November 14, 1983, stated in part:

"1. Each House of the Legislature shall consider whether or not they deem it appropriate to reorganize, and, if either house deems it appropriate to reorganize, then said House or Senate, as the case may be, shall reorganize according to their respective rules."

In a decision rendered by the Supreme Court of Alabama, dated November 10, 1983, answering several Constitutional questions posed by the Governor of the State, it was stated in part:

"the Legislature has the power to elect its officers and appoint its standing committees at such other times as may be necessary."

After consulting with members of the Senate and with the Secretary of the Senate, I have determined that the Senate should elect a President Pro Tempore and adopt a set of rules for the ensuing three years.

Now I ask if there are nominations for the office of President Pro Tempore of the Senate.

### ELECTION OF OFFICER

The President and Presiding Officer of the Senate announced that the

next order of business was the election of office of President Pro Tempore.

### ELECTION OF PRESIDENT PRO TEMPORE

Senator Denton placed in nomination for President Pro Tempore of the Senate, the name of the Honorable John Teague.

On motion of Senator Foshee, seconded by Senator Mitchem, the nominations for the office of President Pro Tempore were closed.

Those who voted for Senator Teague are:

Yeas 33; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Menton
Aldridge	Cooley	Foshee	Mitchem
Amari	Corbett	Goodwin	Parsons
Bailey	Covington	Hand	Pearson
Barron	deGraffenried	Hilliard	Sanders
Bedford	Denton	Holmes	Smith (B)
Bedsole	Dial	Langford	Smith (J)
Bennett	Drinkard	Little	Strong
Bishop	Ellis		

—33

Nays:

—0

Senator Teague, having received a unanimous vote of the Senate, was declared duly and constitutionally elected President Pro Tempore of the Senate for the term prescribed by law.

### OATH OF OFFICE

The oath of office prescribed by the Constitution of Alabama was then administered by the Honorable Bill Baxley to the Honorable John Teague, President Pro Tempore.

### RESOLUTIONS

Senator Bishop offered the following Senate Resolution, to-wit:

S. R. 1. ADOPTION OF SENATE RULES.

RESOLVED BY THE SENATE OF ALABAMA, That the following be adopted as the Rules of the Senate for the years November 1983 - 1986, to-wit:

RULE 1. The President shall take his chair precisely at the hour to which the Senate has been previously adjourned. He shall call the Senate to order and cause the roll to be called. If there is a quorum present, the Senate shall proceed with the transaction of its business, if there be no quorum present, a lesser number may adjourn from day to day and compel the attendance of absent numbers, as provided in Rule 39.

RULE 2. Unless it is otherwise specially provided for by resolution or motion, the Senate shall meet at ten o'clock a.m., except on Mondays, when the Senate shall convene at twelve o'clock noon; however, the Senate shall meet at twelve o'clock noon on the first day of any organizational, special, or regular session.

RULE 3. No person shall be admitted to the floor of the Senate's chamber while the Senate is in session except members and former members of the Legislature (provided, however, that when former members are

on the floor, they shall not be engaged in any lobbying activity), officers and employees of the two houses, the employees of the presiding officer, the Governor and his Executive Secretary, representatives of the press, who shall be placed by the Secretary of the Senate, the directors and employees of the Department of Archives and History, the Chief Examiner and employees of the Department of Examiners of Public Accounts, and the Director and employees of the Legislative Reference Service and the Legislative Fiscal Officer and the employees of the Legislative Fiscal Office in aid of the Senate in its work; provided, however, that on the first legislative day of any regular, special, or organizational session the families of the members of the Senate shall have the privileges of the floor, but only for that specific legislative day. This rule shall be enforced by the Secretary of the Senate without such enforcement being suggested or requested by a member of the Senate.

**RULE 4.** Only the presiding officer of the Senate shall introduce visitors in the Senate gallery. Such introductions shall be made at the request of any Senator, but only at such time as will not interrupt or disturb the orderly transaction of the business of the Senate.

**RULE 5.** No person shall be allowed to lobby in the Senate's chamber while the Senate is in session.

**RULE 6.** No motion shall be deemed in order to admit any person whomsoever within the doors of the Senate's chamber to present any petition, memorial, or address, or to have any such petition, memorial, or address read.

**RULE 7.** After reading the journal, the regular order of transacting business for the Senate shall be:

- 1st, Signing of bills;
- 2nd, Call of districts;
- 3rd, House messages;
- 4th, Reports from standing committees;
- 5th, Reports from select committees;
- 6th, Motions and resolutions;
- 7th, Uncontested local bills;
- 8th, Consent Calendar;
- 9th, Bills on third reading;
- 10th, Special orders of the day at twelve o'clock noon;
- 11th, Other business.

**RULE 8.** The regular order of business shall not be set aside except by a majority vote of the Senate, upon a resolution previously considered and reported by the Committee on Rules. The reading of the journal, however, may be dispensed with on motion, which motion shall be decided without debate.

**RULE 9.** Under call of the districts, only bills, petitions, memorials, or resolutions which are to be referred to committees shall be introduced.

**RULE 10.** No bills other than local, advertised or otherwise, shall be introduced in the Senate during a regular session after the Senate adjourns

on the 24th legislative day.

**RULE 11.** The unfinished business in which the Senate was engaged at the last preceding adjournment shall have preference in the special orders of the day. This rule shall not apply to the eighth order of business (Rule 7), the Consent Calendar, except as provided in subparagraph 7 of Rule 14.

**RULE 12.** Special orders shall not be called on any legislative day before twelve o'clock noon, unless specially set for some other hour by motion or resolution.

**RULE 13.** Each motion or resolution for a bill to be placed on the Consent Calendar or for a special order shall be first referred to and reported from the Committee on Rules.

**RULE 14.** After a bill appears on the regular calendar, the sponsor of a Senate bill may, during the period for considering motions and resolutions, request that the bill be referred to the Committee on Rules for placement on the Consent Calendar. Any member of the Senate may, during the call for motions and resolutions, upon motion, request that a House Bill be referred to the Committee on Rules for inclusion in the Consent Calendar. The referral to the Committee on Rules shall be limited to considering the bill for placement on the Consent Calendar, except as provided in subparagraphs (4) and (7) of this rule. Such request shall be deemed a privilege and shall be subject to the following procedures:

(1) During each session each Senator is limited to three requests for Senate bills and three requests for House bills to be referred to the Committee on Rules for placement on the Consent Calendar, whether such bills are placed on said calendar or not; provided, however, upon suspension of the rules a Senator may be entitled to exceed the number of requests stipulated herein;

(2) Unless the Clerk of the Committee on Rules receives written objections from five or more Senators, this bill will be automatically placed on the Consent Calendar; any objection must be received by the Clerk prior to the end of the second legislative day after the motion for placement on the Consent Calendar is made;

(3) If five or more written objections are received by the Clerk of the Committee on Rules, the request for placing the bill on the Consent Calendar shall fail automatically and the bill shall revert to the Regular Order Calendar when the Rules Committee next reports, under the fourth order of business (Rule 7); the Secretary shall place such bill at the end of the Regular Order Calendar;

(4) Bills on the Consent Calendar shall not be amended or substituted in any manner, nor subject to any motion except a motion to correct typographical, grammatical or technical errors, or a motion to suspend the rules, unless such motion shall be ruled by the chair as dilatory; provided, however, if a House bill, appearing on the Regular Senate Calendar, if identical in every respect and form to the Senate version, such bill may be offered as a substitute;

(5) The total time for debate on each bill shall not exceed thirty minutes, at which time a vote thereon shall be taken;

(6) The total time for consideration of the Consent Calendar shall not exceed two hours. If the two-hour period expires before the end of the time allotted in (5) above, the bill under debate shall be the first order of busi-

ness on the Consent Calendar for the next day and prior time used for debate shall be deducted from the total allowed each bill; and each bill shall retain its position on said calendar until acted on by the Senate;

(7) After the 24th legislative day of a regular session or after the 10th legislative day of a special session, the Senate may, upon adoption of a resolution from the Rules Committee, establish a Special Order Consent Calendar from bills appearing on the Consent Calendar;

(8) Resolutions and local legislation shall not be eligible for placement on the Consent Calendar;

(9) After the 24th legislative day of a regular session or after the 7th legislative day of a special session, no motions for placing bills on the Consent Calendar shall be in order.

**RULE 15.** Bills on third reading postponed to a day certain shall take precedence of other bills on third reading on such day, and from day to day thereafter until disposed of. Priority of postponed bills shall be in the order of their postponement.

**RULE 16.** When reports of standing committees are in order, the committee last occupying the floor shall be entitled to the floor.

**RULE 17.** Every motion shall be reduced to writing upon request of the presiding officer or of any Senator. Written motions shall be delivered to the Secretary at the desk and read before the same shall be debated.

**RULE 18.** Before any memorial or petition addressed to the Senate shall be received and read at the desk, a brief statement of its contents shall be made by the introducer.

**RULE 19.** When a question is under debate, no motion shall be received but: (1) to adjourn, (2) to adjourn to a day certain, (3) to lay on the table, (4) to postpone indefinitely, (5) to postpone to a day certain, (6) to commit, or (7) to amend, which several motions shall have precedence in the order they stand arranged. The motions to adjourn, to adjourn to a day certain, and to lay on the table shall always be in order and shall be decided without debate.

**RULE 20.** The motion to lay on the table an amendment or substitute shall not carry with it the original bill, resolution, or proposition.

**RULE 21.** The Committee on Rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure. In addition thereto a petition signed by eighteen or more senators to the effect that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure filed with the Secretary while the Senate is in session, shall have the same effect as a report of the Committee on Rules regarding debate. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon; and if three-fifths of the members elected shall vote to limit debate, then said rule shall have been adopted by the Senate.

**RULE 22.** Messages may be introduced at any state of business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

**RULE 23.** No discussion or debate shall be allowed while a vote is being taken.

**RULE 24.** Every bill on first reading shall be referred to a standing

committee, and shall be read a second time when returned from the committee on any subsequent day.

**RULE 25.** When the reading of any paper is called for and the reading of same is objected to by a member, the question shall be determined by a vote of the Senate without debate.

**RULE 26.** If the question in debate contains several points, any member may call for a division. It shall not be in order, however, to move for a division of the question on a motion to strike out and insert.

**RULE 27.** The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall a subsequent motion simply to strike out prevent subsequent motion to strike out and insert.

**RULE 28.** In filling blanks, the largest sum and longest time shall be put first.

**RULE 29.** When a vote has been taken on any question, other than a motion to adjourn, adjourn to a day certain, or to lay on the table, it shall be in order for any Senator of the majority to move for the reconsideration thereof. But no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate. Nor shall any motion for a reconsideration be in order unless it is made on the same day on which the vote was taken, or by twelve o'clock noon the next day, or one hour after the Senate convenes, if after twelve o'clock.

**RULE 30.** When any question may have been decided by the Senate in which more than a majority of the members present are necessary to carry the affirmative, any Senator who voted on the side that prevailed in the question may move for a reconsideration, and such motion shall be decided by a majority vote.

**RULE 31.** Resolutions proposing amendments to the Constitution or requiring the approbation or signature of the President or granting money out of funds appropriated for the Legislature shall be treated in all respects in the introduction and form of proceedings thereon as bills.

**RULE 32.** All motions to go into executive session shall be decided without debate.

**RULE 33.** Executive messages shall be considered with open doors unless it is otherwise requested in the message or otherwise ordered by a vote of the Senate.

**RULE 34.** All nominations and appointments shall be referred to, and be reported from the Committee on Rules before consideration by the entire Senate. A rejection by the Rules Committee of any nomination or appointment shall be considered a rejection by the entire Senate. If the Rules Committee rejects a nomination or appointment, it will either forward its rejection to the Secretary of the Senate who shall forward the rejection to the appointing authority and request a new nominee be submitted, or, in the event that the pertinent statute exists, may select a substitute nomination and submit that name to the full Senate for confirmation or rejection. In the event the full Senate rejects the nominee of the Rules Committee then the Rules Committee shall submit another nominee to the full Senate.

**RULE 35.** The final question upon every bill or resolution requiring three readings prior to passage shall be put in this form: "Shall the bill (or

resolution) be read a third time?" No amendment shall be received for discussion after the third reading of any bill, resolution, amendment or motion, except by unanimous consent of all members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its recommitment, and if such recommitment takes place and an amendment is reported by the committee, the said bill, resolution, constitutional amendment, or motion shall be again read a second time, and then the aforesaid questions shall be put.

**RULE 36.** During a regular session, no bill that has originated in the Senate shall be sent to the House of Representatives for its first reading in the House after the Senate adjourns on the 26th legislative day.

**RULE 37.** No motion to alter, modify, or amend any rule or any part thereof shall be in order except on one day's notice in writing, which notice shall specify precisely the rule or part thereof proposed to be suspended, modified, or amended. Before any vote shall be taken on such motion, it shall be first referred to the Committee on Rules, and said committee must report thereon. Any rule may be suspended by the consent of the Senate unless one or more Senators object thereto. Any Senators objecting to a suspension of the rules will be identified by name and upon request of any other Senator, the name of any objecting Senator shall be entered into the record. Any change or alteration of the rules shall be decided by a majority vote after proper consideration by the Committee on Rules.

**RULE 38.** During the period between the end of the regular session and the convening of the next regular session, members may deliver bills to the Secretary of the Senate, which shall be known as "pre-filing". Such bills shall be numbered by the Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session; providing, however, that no bill shall be pre-filed under this Rule after the commencement of the last regular session of the Legislature in any quadrennium and before the organizational session following general election.

**RULE 39.** No Senator shall absent himself or herself from the service of the Senate for as long as one day, without leave of the Senate first obtained. In case a lesser number than a quorum of the Senate shall convene, they are hereby authorized to send the Doorkeeper or some other person for any or all absent Senators, as the majority of the Senators present shall agree. The expense of sending for an absent Senator shall be paid by the absentee, unless an excuse for non-attendance shall be made, as a quorum of the Senate shall judge sufficient. In which event, the expense of securing the attendance of such absent Senator shall be paid out of funds appropriated for the Legislature.

**RULE 40.** When the yeas and nays shall be called for by one-tenth of the Senators present, each Senator called upon shall, unless for special reasons be excused by the Senate, declare openly and without debate, his or her assent or dissent to the question. No members shall be permitted to vote after the decision is announced from the chair. In taking the yeas and nays, and upon the call of the Senate, the names of the Senators shall be called alphabetically.

**RULE 41.** No member shall speak more than twice on any question under debate and none shall, without leave of the Senate, speak for more than one hour at each time. The originator of the pending question, or the



chairperson of the committee reporting the measure, shall have the right to conclude the debate, which right cannot be cut off by motion to table. The originator of the pending question shall have precedence.

**RULE 42.** When a Senator shall be called to order by the President, or a Senator, he or she shall immediately sit down.

**RULE 43.** The Secretary shall cause to be printed for the use of each Senator, and each Senator shall promptly execute, a form on which there shall appear a place for the signature of such Senator and above it a statement of the names and addresses of each public utility, public service, or quasi-public corporation, and any other person, firm or corporation engaged in any business or industry subject to regulation by the Alabama Public Service Commission with which the Senator may, at that time or at any time within one year prior to the convening of the Senate in regular session, have been connected, as agent, employee, officer, director or attorney, or from which he or she receives, or has during such time received, compensation, direct or indirect, or has received a pass or rate concession or reduction of any nature whatsoever. If no such connection exists, a statement to that effect shall be made. Executed forms, and an unfilled form bearing the name of each Senator who fails to execute a form, shall be bound in alphabetical order, in a permanent volume, on or before the fifth legislative day of the regular session, which volume shall be kept open to public inspection in the office of the Secretary while the Senate is in session and shall be thereafter deposited with the permanent records of the Legislature.

**RULE 44.** In the absence of the President when the Senate convenes, the President Pro Tempore shall preside; however, the President shall have the right to name a member to perform temporarily the duties of the Chair.

**RULE 45.** All questions shall be put by the Chair, and members shall signify assent or dissent by answering yea or nay. If those who vote are sufficient in number to show that a majority constituting a quorum so acted, those who thus voted only shall be counted as constituting the house for the purpose of that vote; but when any question is put and a quorum is not recorded as voting, the Chair shall, before announcing the vote, on his or her own motion or on suggestion of any Senator, instruct the Secretary to record as present a sufficient number of those Senators physically present to constitute a quorum, though all present are not participating in the vote.

**RULE 46.** Every question of order shall be decided by the Chair without debate, subject to an appeal to the Senate. The Chair may call for the sense of the Senate on any question of order or on any other matter properly before the Senate.

**RULE 47.** When two or more Senators rise at the same time, the Chair shall name the Senator who is to speak first.

**RULE 48.** The Chair shall give notice at each reading of a bill whether it be the first, second, or third.

**RULE 49.** The President shall control such parts of the Capitol and other facilities occupied by the Senate and its passage as are set apart for the use of the Senate and its officers, and may, in his or her discretion, permit the proceedings of the Senate to be photographed, televised, or broadcast.

**RULE 50.** All committees of the Senate and the chairperson, deputy chairperson, and vice chairperson thereof shall be named by the President elected to serve for the quadrennium concurring with the term of the Sena-

tors adopting these rules. In the event the President Pro Tempore assumes the presidency, he or she shall have the same authority. The President Pro Tempore shall be an ex officio voting member of each standing committee.

**RULE 51.** There shall be twenty (20) standing committees on the following subjects:

(1) Finance and Taxation, to which committee shall be referred all bills and other matters concerning the revenues, appropriations (except a bill or resolution carrying an appropriation which may be first referred to another committee as authorized by Rule 55 and 78 (2)), expenditures, and public debts of the State, and the administration of the State's taxation and revenue law, including measures that would require new expenditures or increases in appropriations of state funds or that would affect any reduction in state revenue. In addition, the Committee on Finance and Taxation shall consider and report on all bills and resolutions carrying appropriations, previously referred to another committee, as authorized by Rule 55 and 78 (2). The Committee shall consist of twenty-four (24) members.

The Finance and Taxation Committee shall be divided into two (2) eleven member subcommittees. The chairperson and deputy chairperson of the Finance and Taxation Committee shall serve as voting members of both subcommittees. The chairperson of the Finance and Taxation Committee, or, in the event of his or her absence, the deputy chairperson shall preside at meetings of both subcommittees. The President of the Senate shall appoint a vice chairperson of each subcommittee. One subcommittee shall be referred to as the Finance and Taxation Subcommittee on Education and the other subcommittee shall be referred to as the Finance and Taxation Subcommittee on General Funding. The two respective subcommittees shall consider the two basic appropriations as separate and distinct entities. The chairperson, in his or her complete discretion, shall refer all other bills assigned to the Finance and Taxation Committee to either of the two subcommittees. If either of the two subcommittees vote to give a favorable report to its respective bills, then the bill shall be reported out favorably by the committee to receive its second reading.

(2) Rules, which committee shall have supervision over the Revision of the Journal, Enrolled Bills, and Engrossed Bills. In addition, the Committee on Rules shall consider and report on matters required by the rules of the Senate, as follows:

Motions or resolutions to set aside a regular order of business (Rule 8); motions for placing bills on the Consent Calendar (Rule 14); motions or resolutions for a Special Order Consent Calendar (Rule 14 (7)); motions or resolutions for a special order (Rule 13); special rules that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure (Rule 20); executive nominations and appointments (Rule 34); propositions to suspend, modify, or amend any rule or any part thereof (Rule 37); all resolutions that may be referred to it (Rule 56); after the 26th legislative day, to act upon bills that originate in the Senate (Rule 60); after the 28th legislative day, to act upon bills that originate in the House of Representatives (Rule 61). Also, the Committee on Rules shall render advisory opinions to any lobbyist who seeks advice about the rules relating to lobbying, and the committee shall make recommendations regarding the imposition of penalties prescribed for violations of the rules relating to lobbying (Joint Rules 18 and 20). The Committee on Rules shall consist of seven (7) members.

(3) Judiciary, to which committee shall be referred all bills and other

matters concerning: the judiciary, judicial proceedings, law enforcement, and penal and correctional institutions and programs. The Committee on the Judiciary shall consist of fifteen (15) members.

(4) Governmental Affairs, to which committee shall be referred all bills, resolutions, and other matters concerning: elections, the organization and operation of the state government, including matters relating to the organization, reorganization, establishment, or abolition of any department, board, commission, or other agency of the state government, and matters pertaining to the merit system, or otherwise related to employment in the state civil service, and the organization and government of any incorporated municipality in the State of Alabama and all bills and other matters relating to counties in Alabama. The Committee on Governmental Affairs shall consist of fifteen (15) members.

(5) Constitutional Revision, to which committee shall be referred all bills, resolutions and other matters concerning proposed amendments to the Constitution of Alabama, as well as bills proposing a new Alabama Constitution and Resolutions or bills calling for the convening of a constitutional convention for the purpose of rewriting the Alabama Constitution and all bills relating to lotteries and gaming. This committee shall consist of seven (7) members.

(6) Agriculture, Conservation and Forestry, to which committee shall be referred all bills and other matters concerning agriculture in the State of Alabama, and all bills and other matters of the State relating to forestry, fish and game, soil conservation, and public waters and lands. The committee shall also consider bills and other matters relating to state parks, historical sites, and out-door recreational facilities. The Committee on Agriculture, Conservation and Forestry shall consist of fifteen (15) members.

(7) Business and Labor Relations, to which committee shall be referred all bills and other matters concerning the conditions and interests of labor, including unemployment compensation, workmen's compensation, and industrial labor relations. The Committee on Business and Labor Relations shall consist of nine (9) members.

(8) Education, to which committee shall be referred all bills and other matters concerning primary, secondary, post secondary, and higher education, and other institutions and matters directly related to education. The Committee on Education shall consist of nine (9) members.

(9) Health and Welfare, to which committee shall be referred all bills and other matters concerning the health or welfare of the people of Alabama. The Committee on Health and Welfare shall consider bills and other matters relating to hospitals and other health facilities, the mental health program, and mental institutions. The Committee on Health and Welfare shall consist of nine (9) members.

(10) Banking and Insurance, to which committee shall be referred all bills and other matters concerning: banks, banking, savings and loan associations, credit unions, and other financial institutions in this State, including the small loan business; and all bills and other matters concerning the business of insurance in Alabama, including bills and other matters relating to private pension and retirement systems. The Committee on Banking and Insurance shall consist of fifteen (15) members.

(11) Commerce, Transportation, and Utilities, to which committee shall be referred all bills and other matters concerning: commerce and the economic system of the State, natural and mineral resources, motor vehi-

cles, traffic regulations, highways, railways, airports and air transportation facilities, pipelines, and all matters relating to common carriers or other forms of transportation; all bills and other matters concerning utilities and utility systems within the State; and all bills and other matters relating to ports, harbors, docks, waterways, and maritime matters. The Committee on Commerce, Transportation, and Utilities shall consist of nine (9) members.

(12) Consumer Affairs, to which committee shall be referred all bills that affect the State's consumers involved in the purchase or use of consumer goods and services. This committee shall consist of seven (7) members.

(13) Buildings and Grounds, to which committee shall be referred all bills containing matters affecting physical facilities of the state or its subdivisions or any other matter deemed appropriate by the Presiding Officer. This committee shall consist of three (3) members.

(14) Industrial Expansion, Economic Growth, and Jobs, to which committee shall be referred all bills pertaining to industrial development, the Alabama Development Office, industrial bond programs, and any other legislation promoting economic growth. This committee shall consist of nine (9) members.

(15) Committee on Aging, to which committee shall be referred all bills relating to the affairs of senior citizens. This committee shall consist of nine (9) members.

(16) Student and Youth Activities, to which committee shall be referred all bills relating to affairs and activities of youth, including student grants, tuition assistance, and student loans. The committee shall consist of seven (7) members.

(17) Small Business, to which committee shall be referred all bills relating to small businesses. This committee shall consist of seven (7) members.

(18) Military Affairs, to which committee shall be referred all bills relating to military affairs and the national guard. This committee shall consist of seven (7) members.

(19) Local Legislation No. 1, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of less than 500,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 1 shall consist of seven (7) members.

(20) Local Legislation No. 2, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of 500,000 or more. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 2 shall consist of eight (8) members.

(21) Local Legislation No. 3, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of between 300,000 and 500,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 3 shall consist of four (4) members.

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**RULE 52.** (a) No committee, with the exception of the Committee on Rules, shall meet on the Senate floor while the Senate is in session. No committee shall meet off the Senate floor while the Senate is in session unless the time and place shall be previously announced by the presiding officer.

(b) Each Committee shall have investigatory powers and is authorized to hold hearings on any subject under its jurisdiction, to require attendance, upon appropriate notice, of State government officials and/or employees to give testimony at such hearings, and to formulate reports and recommendations regarding the activities or actions of such agency or department being investigated or reviewed by such Committee.

**RULE 53.** Every bill, petition, memorial, or other paper shall, upon the first reading thereof, be referred by the President or presiding officer to a standing committee having the subject matter thereof for consideration.

**RULE 54.** When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be put first. A select committee is a committee appointed by the Chair to study one specific question and ceases to exist when the purpose for which it was selected has been resolved.

**RULE 55.** A bill or resolution carrying an appropriation may be referred to a committee other than the Committee on Finance and Taxation if the subject matter requires such referral in the judgment of the presiding officer. However, such bill or resolution may also be referred to (on a motion proposed by a member and approved by majority vote) and reported by the Committee on Finance and Taxation after being given a second reading.

**RULE 56.** All resolutions shall be referred to and reported from the Committee on Rules before consideration by the Senate. This rule shall not apply to resolutions requiring immediate consideration. Resolutions of congratulation, commendation or sympathy may be reported by the Committee on Rules, in resolution form, en masse for adoption by the Senate; provided, however, any such resolution so reported, which requires action other than congratulating, commending or expressing sympathy, shall be void ab initio.

**RULE 57.** When a bill has been acted upon by a standing committee, the committee's chairperson shall endorse on said bill: This bill was referred to the Standing Committee of the Senate on \_\_\_\_\_ and was acted upon by such Committee in session and is by order of the Committee returned therefrom with \_\_\_\_\_ report by a vote of yeas \_\_\_\_\_ nays \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

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Chairperson

**RULE 58.** The final vote of a committee on a bill shall be recorded and kept as a permanent record in the office of the Secretary of the Senate. No bill shall receive its second reading without the final vote of a committee attached thereto. This rule shall not apply to local bills.

**RULE 59.** A committee may return a bill or resolution for its second reading without recommendation which shall constitute action by such committee.

**RULE 60.** After the Senate adjourns following the 26th legislative day, no standing committee of the Senate, other than the Committee on Rules, shall act upon any bill that originated in the Senate.

**RULE 61.** After the Senate adjourns after the end of the 28th legislative day, no standing committee of the Senate, other than the Committee on

Rules, shall act upon any bill that originated in the House of Representatives.

RULE 62. No bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned.

RULE 63. The Committee on Rules may report at any time.

RULE 64. Whenever the chairperson of any committee shall refuse to call a meeting of such committee, then a majority of the members of the committee may call a meeting by giving one day's written notice setting the time and place for such meeting. Such notice shall be read by the Secretary and posted in the Senate Chamber. Whenever the chairperson and vice chairperson are absent at any committee meeting, a majority of a committee may designate any member of the committee as acting chairperson for that particular meeting only.

### **RULES RELATING TO THE SECRETARY AND THE JOURNAL**

RULE 65. The proceedings of the Senate, when not in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account thereof. Every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each item of legislation presented to the Senate shall be inserted thereon.

RULE 66. The titles of bills and such parts thereof only as shall be affected by proposed amendments shall be inserted in the journal.

RULE 67. The Secretary shall, on the introduction of bills, make a photocopy of each bill to be designated as a second official copy, and shall make an entry in the journal as follows:

#### **"INTRODUCTION OF BILLS**

"Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows: (Here set out the number, title and sponsors of each bill introduced and the name of the committee to which it was referred. The name of the chief sponsor shall be underscored on the original bill.)"

RULE 68. When a bill shall be returned from a standing committee, the Secretary shall make the journal read:

"Senator \_\_\_\_\_, Chairperson of the standing committee on \_\_\_\_\_, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a \_\_\_\_\_, which bills were severally read a second time and placed on the calendar, to-wit:"

RULE 69. On the signing of bills or resolutions, the Secretary shall make the journal read:

#### **"SIGNING OF BILLS (OR RESOLUTIONS)**

"The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills (or resolutions), the titles of which are set out in the foregoing (Mes-

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sage from the House, or Report from the Committee on Rules as the case may be)."

**RULE 70.** Messages shall be sent to the House of Representatives by the Secretary, who shall endorse the final determination of the Senate thereon.

**RULE 71.** The Secretary shall provide the chairperson of each standing committee with a stamp with which to make endorsements on bills. Each standing committee of the Senate shall be furnished a secretary or clerk by the Secretary of the Senate. Office space shall be provided to the President Pro Tempore and to the chairpersons of standing committees as such space is made available to the Senate.

**RULE 72.** Upon adjournment of the Senate, the Secretary shall enter on the journal the hour of adjournment and the name of the member on whose motion adjournment was adopted.

**RULE 73.** If a Senator be called to order by a Senator for words spoken, the exceptional words shall be taken down immediately in writing by the Secretary. The presiding officer shall then judge the matter, and rule accordingly.

**RULE 74.** The Secretary shall furnish to the members daily a printed calendar of all bills and resolutions on third reading and such calendar shall be designated "Regular Order Calendar." The bills and resolutions listed therein shall be arranged in the order in which they are entitled to consideration.

The Secretary also shall furnish to the members daily a printed calendar designated as "Consent Calendar" which shall list all bills placed thereon by the Committee on Rules and those bills which are pending for placement on the said Consent Calendar.

The Secretary also shall furnish to the members daily a printed list of those bills which are being held in Rules Committee for placement on the Consent Calendar as prescribed in Rule 14.

In the event a Special Order Calendar is adopted for more than one day, but is not a continuing order of business until disposed of, then such bills on special order shall be returned to their original position on the Regular Order Calendar occupied by them before the adoption of the special order. Whenever the calendar contains more than twenty-five (25) pages, a numerical index of all Senate and House bills contained in that day's calendar (with the number of the page on which the bill appears in the calendar printed opposite the bill's assigned number) shall be printed on the last pages of that day's calendar, or on a separate pamphlet which can be slipped into the back of the calendar.

In the event a special order is adopted from bills appearing on the Consent Calendar, the Secretary also shall furnish to the members daily a calendar designated "Special Order Consent Calendar" (Rule 14 (7)). If such calendar is not a continuing order of business until disposed of, then such bills remaining on the Special Order Consent Calendar shall be returned to their original position on the Consent Calendar occupied by them before the adoption of said Special Order Consent Calendar.

**RULE 75.** The Secretary shall cause to be printed and distributed among the members of the Senate a pocket-sized book or pamphlet, which shall include the following information: (a) a picture and brief biography of each Senator, his or her address, home and business phone, and committee

assignments; (b) a list of Senate committees and their memberships; (c) Senate and joint rules; (d) a brief explanation of the legislative process including legislative powers, qualifications, and duties of legislators; and (e) instructions for the drafting of bills.

**RULE 76.** The Secretary shall not employ any person as a page who is under the age of twelve (12) years.

**RULE 77.** Every bill or resolution making an appropriation from the state treasury or increasing or decreasing state revenue shall, before any vote is taken thereon by the Senate, have endorsed thereon or attached thereto a reliable estimate of the amount of money involved therein, and the anticipated increase or decrease in revenue collections under the provisions of the bill. The fiscal note shall be prepared by or under the supervision of the standing committee to which the bill is referred. The fiscal note shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. Any bill or resolution on second reading not having a fiscal note affixed thereto shall be recommitted to the Committee on Finance and Taxation. No bill or resolution shall be given its third reading if affected by this rule, unless it has affixed thereto a valid fiscal note.

**RULE 78.** (1) All general bills or resolutions creating or making or eliminating a program requiring the expenditure of funds by local unit of government, causing to be made an appropriation from any county or municipal treasury shall have endorsed and attached thereto a reliable estimate of the money involved therein and the anticipated increase or decrease in spending and the increase and decrease of the anticipated revenue and the general fiscal impact on counties and municipalities of the provisions of the bill.

(2) All resolutions creating a committee or program wherein the expenditure of funds out of the state treasury is authorized must contain the same fiscal note as defined in paragraph one above and must be referred to the Committee on Rules unless consent to suspend this rule is obtained, as provided in Rule 37.

(3) All fiscal notes provided for in this rule and other rules of the Senate must be prepared by or certified by the chief legislative fiscal officer as being substantially accurate to the best of his knowledge, information and belief.

**RULE 79.** The indices of the Senate Journals shall include a topic index of all bills referenced in the journals, a numerical index, a sponsor index and an index of "Miscellaneous Subjects." The indices shall be distinguished from the textual material by the use of paper of a distinctive color and the indices shall be prefaced by a page of explanatory material that will instruct a person totally unfamiliar with the journals on the most efficient means of locating particular items of information. Speeches received in the two houses in joint sessions and printed in full in the House Journal shall carry an abridged statement in the Senate Journal and a distinct reference to the full text in the House Journal.

Which was adopted.

Senator Bishop then offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. JOINT RULES OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE



OF REPRESENTATIVES CONCURRING, That the following be adopted as the Joint Rules of the two Houses for the years November 1983 - 1986, to-wit:

**JOINT RULES  
OF THE TWO HOUSES OF THE LEGISLATURE OF  
ALABAMA  
1983**

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular

session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless:

(1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8½" by 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors in the balconies of each house are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon while in the House or Senate Chambers or any place on the second or third floor of the Capitol. This rule will not apply to employees of the two houses who are security officers.

### **RULES RELATING TO COMMITTEES**

15. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate, to be appointed by the President of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such actions as that house may deem appropriate. The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Con-

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ference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation, together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill \_\_\_\_\_ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B. \_\_\_\_ is attached).

(Example: Amend H.B./S.B. \_\_\_\_ as follows:)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

**CONFEREES OF THE HOUSE**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

**CONFEREES OF THE SENATE**

**RULES RELATING TO LOBBYING**

16. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

17. Method of Registration. Each calendar year every such person

shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interests, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided.

18. **Registration Exception.** Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

19. **Obligations of Lobbyist.** A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

20. **Rules Committee Advisory Opinions.** A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

21. **Penalties for Violations.** Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirement of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

22. **Secretary to Provide Forms.** The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

23. **Committees to be Diligent.** Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

On motion of Senator Bishop, the Rules were suspended and the Reso-

lution was adopted by the Senate.

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. COMMITTEE TO NOTIFY GOVERNOR AND ASCERTAIN DESIRE FOR JOINT SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED, that said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate to notify the Governor Senators Holmes, Drinkard, and Sanders.

And the President and Presiding Officer of the Senate, then appointed as members on part of the Senate to escort the Governor Senators Goodwin, Strong, and Bennett.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senators Teague, Mitchem, Goodwin, Foshee, Bedford, Little, and Holmes:

S. 1. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for payment of Attorney General's fine as assessed by Federal Court; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

Committee on Finance and Taxation.

By Senators Teague, Goodwin, and Foshee:

S. 2. To make a supplemental appropriation of \$78,000.00 to the Alabama Board of Nursing from the Alabama Board of Nursing Trust Fund for the fiscal year ending September 30, 1984.

Committee on Finance and Taxation.

By Senator Teague:

S. 3. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

Committee on Governmental Affairs.

By Senators Pearson, Figures, Smith (J), Teague, Denton, Langford, deGraffenried, Bedford, Little, Amari, Hilliard, Parsons, Cooley, Goodwin, Sanders, Cabaniss, Bennett, and Holmes:

S. 4. To amend Section 35-9-82, Code of Alabama 1975, relating to recovery of possession of rented premises when possession is wrongfully withheld by a tenant, so as to provide for the service of writ or process on the tenant by certified or registered mail.

Committee on Judiciary.

By Senator deGraffenried:

S. 5. To amend Act 82-514, The Revised Alabama Professional Corporation Act, by amending Sections 10 and 24 to determine the date of disqualification of shareholders and to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama, to continue.

Committee on Industrial Expansion,  
Economic Growth, and Jobs.

By Senator Aldridge:

S. 6. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and §34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Committee on Health and Welfare.

By Senators Smith (J), Goodwin, Hilliard, Pearson, and Bedford:

S. 7. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

Committee on Judiciary.

By Senators Cooley, Aldridge, Parson, Goodwin, Bennett, Bedford, Bishop, Drinkard, and Little:

S. 8. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Committee on Governmental Affairs.

By Senators Mitchem, Teague, Barron, Bedford, Menton, Smith (J), Bedsole, Foshee, and Bishop:

S. 9. To provide for a supplemental appropriation for the use of the Legislature and the Legislative Reference Service.

Committee on Finance and Taxation.

By Senators Corbett:

S. 10. To amend Section 40-21-82.1, Code of Alabama 1975, which provides for certain exemptions from the utility gross receipts tax, so as to include the Ladonia-Crawford Water and Fire Protection Authority within the exemptions.

Committee on Finance and Taxation.

By Senator Smith (J):

S. 11. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-8-114, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama, 1975.

Committee on Judiciary.

By Senator Smith (J):

S. 12. To provide for the 1983 Taxpayer Convenience Act, by amending Section 40-7-2.1, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1, and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

Committee on Finance and Taxation.

By Senator Smith (J):

S. 13. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

Committee on Judiciary.

By Senator Smith (J):

S. 14. To further provide for the laws with respect to administration of decedents' estates to clarify ambiguities that may have resulted from the removal of the distinction between real and personal property in the laws respecting succession to decedents' estates.

Committee on Judiciary.

By Senators Sanders and Figures:

S. 15. To prescribe that no person shall be denied a hunting license solely because such person is physically handicapped or disabled.

Committee on Agriculture, Conservation,  
and Forestry.

By Senators Figures, Menton, and Bedsole:

S. 16. To amend Section 12-17-20, Code of Alabama 1975, relating to

the number of judges in each judicial circuit, so as to provide further therefor.

Committee on Finance and Taxation.

By Senator deGraffenried:

S. 17. To amend Section 8-6-3, Code of Alabama 1975, relating to broker-dealers to provide further for the regulation of brokers and dealers.

Committee on Judiciary.

By Senator Hilliard (With Notice and Proof):

S. 18. To authorize, based on certain legislative findings, municipalities situated in counties having a population of 600,000 or more according to the last and any subsequent decennial census to alter and change water courses and to acquire, construct and develop wharves, warehouses, and other improvements related to the development and operation of river ports within a radius of twenty-five miles of the limits thereof in order to maximize the ability of such municipalities to promote the use of river and water transportation to take advantage of the transportation potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to authorize the acquisition of real property by eminent domain for the purposes of the Act; to authorize such municipalities to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds, to finance such river port facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such river port facilities, and to contract for joint construction and operation thereof; to make the provisions hereof severable; and to provide an effective date of the Act.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 18, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Corbett, Bedsole, Little, Bailey, Foshee, Menton, Aldridge, deGraffenried, Parsons, Bedford, Pearson, Cabaniss, Sanders, Strong, Ellis, Goodwin, Holmes, Bishop and Covington:

S. 19. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Committee on Governmental Affairs.

By Senator Parsons:

S. 20. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar course, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

Committee on Judiciary.



By Senators Teague, Goodwin, and Bailey:

S. 21. To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

Committee on Governmental Affairs.

By Senator Covington (With Notice and Proof):

S. 22. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 22, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Covington (With Notice and Proof):

S. 23. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 23, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Goodwin, Teague, Bishop, deGraffenried, Holmes, Covington, Cabaniss, Bedford, Pearson, Ellis, Langford, Bennett, Barron, Bedsole, Strong, Smith (J), Foshee, Menton, Drinkard, Denton, Hilliard, and Bailey:

S. 24. To provide for a general statewide public referendum. This bill provides for a public referendum vote by all qualified electors of the State of Alabama, for the purpose of providing the Legislature with the "sense of the public" with regard to matters relating to the advisability or acceptability of additional revenue or taxation matters for the purpose of providing

more and/or expanded correctional facilities.

Committee on Finance and Taxation.

By Senators Mitchem, Little, Hilliard, Sanders, Aldridge, Bailey, Menton, Smith (J), Ellis, Cooley, Holmes, Bishop, and Barron:

S. 25. To make a supplemental appropriation from the general fund in the state treasury to the office of the secretary of state the fiscal year ending September 30, 1984.

Committee on Finance and Taxation.

## RESOLUTIONS

Senators deGraffenried, Aldridge, Amari, Barron, Bedford, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague offered the following Senate Resolution, to-wit:

S. R. 4. CONGRATULATING MR. AND MRS. JOHN D. CRAWFORD ON THE BIRTH OF A DAUGHTER, LAUREL MARIE.

Which was adopted.

Senator deGraffenried then offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE CONSTRUCTION OF A LEGISLATIVE OFFICE BUILDING.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Select Legislative Committee to study all relevant aspects of the construction of a legislative office building. Said committee shall consider the feasibility of the erection of a new building or adaption of an existing building to meet legislative needs.

Said committee shall consist of five members of the House of Representatives to be appointed by the Speaker of the House of Representatives and five members from the Senate to be appointed by the President of the Senate. The members shall select a chairman from among themselves. The committee shall meet upon the call of the chairman. The committee members shall be entitled to their regular legislative compensation, per diem and travel expenses for each day said members attend a meeting of the committee. Each legislative member shall further be entitled to actual expenses for travel outside the State of Alabama which is deemed necessary by the Chairman, approved by the presiding officer of his respective house and in accordance with the objectives of the committee. Said compensation shall be paid out of any funds appropriated to the use of the legislature. The Clerk of the House and the Secretary of the Senate shall furnish the committee with any necessary clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the use of the legislature. Said committee to report to the Legislature no later than the third legislative day of the regular session of the Legislature 1984.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Menton offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House of Representatives to be appointed by the Speaker and four members of the Senate to be appointed by the Lieutenant Governor. The committee shall study all aspects of the impending completion of the Tennessee-Tombigbee Waterway including the impact that its completion shall have on the State of Alabama. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$10,000.

Which was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

I am directed by the House to notify the Senate that the House has perfected its organization by the election of the following officers:

Speaker: Tom Drake

Speaker Pro Tempore: Roy W. Johnson, Jr.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,  
Clerk.

#### RESOLUTIONS

Senator Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. DIRECTING THAT ALL BILLS PREPARED FOR INTRODUCTION AT ANY REGULAR SESSION OF THE LEGISLATURE MUST BE SUBMITTED TO THE LEGISLATIVE REFERENCE SERVICE FOR REVIEW OF FORM.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That effective in January 1984, drafts of all bills which are for introduction at any Regular Session of the Legislature, and which are not prepared by the Legislative Reference Service, must be presented to the Legislative Reference Service for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

Which was read and referred to the Standing Committee on Rules.

Senators Teague, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J) and Strong offered the following Senate Resolution, to-wit:

S. R. 8. EXTENDING HAPPY BIRTHDAY WISHES TO SENATOR CHARLES BISHOP.

Which was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Boles:

H. J. R. 12. TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid an additional thirty dollars (\$30.00) per diem for expenses incurred in the performance of his or her duties for the duration of any regular or special session of the Legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be allowed an additional three hundred dollars (\$300.00) per month for expenses incurred in the performance of his or her duties, to be paid at the end of each month during his or her term.

BE IT FURTHER RESOLVED, That this order shall take effect upon the approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution.

JOHN W. PEMBERTON,  
Clerk.

Senator Hilliard moved that the Rules be suspended and the Resolution, H. J. R. 12, set out in the foregoing Message from the House be considered.

Senator Cabaniss offered the following amendment to the Resolution, H. J. R. 12, to-wit:

Amendment to H. J. R. 12

I move to amend H. J. R. 12 by inserting

on line 25 after word affect, insert the word "After the 1986 General Legislative Election," and strike our remainder of the resolution.

On motion of Senator Hilliard, said amendment was laid on the table.

### POINT OF PERSONAL PRIVILEGE

Senator Covington requested that the Journal reflect that he is totally opposed to a legislative pay raise during the years November, 1983 - 1986, and if a roll call vote is taken, he wishes to be recorded as voting "Nay".

### FURTHER CONSIDERATION OF H. J. R. 12

The Senate proceeded to further consideration of the Resolution, H. J. R. 12. The question was on the motion of Senator Hilliard that the Resolution be considered.

On motion of Senator Hilliard, the Rules were suspended, and the Resolution, H. J. R. 12, was then concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Roy W. Johnson, Jr.:

H. J. R. 9. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:00 P.M. on November 15, 1983 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed Reps. Clark (J.), Davis, and Blake.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, H. J. R. 9, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore of the Senate appointed as members on part of the Senate Senators Goodwin, Strong, and Bennett.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Roy Johnson:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the following be adopted as the Joint Rules of the Alabama Legislature.

**JOINT RULES  
OF THE TWO HOUSES OF THE LEGISLATURE OF  
ALABAMA  
1983**

1. Messages from one house to the other shall take precedence over all other questions.
2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.
3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.
4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.
5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.
6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.
7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.
8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office in aid of the reference work required by law to be done for members of the Legislature.
9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.
10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as

"pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless:

(1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8½" by 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors in the balconies of each house are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon while in the House or Senate Chambers or any place on the second or third floor of the Capitol. This rule will not apply to employees of the two houses who are security officers.

### **RULES RELATING TO COMMITTEES**

15. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate, to be appointed by the President of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate.

The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report,

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in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation, together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill \_\_\_\_\_ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B.\_\_\_\_ is attached).

(Example: Amend H.B./S.B.\_\_\_\_ as follows:)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

**CONFEREES OF THE HOUSE**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

**CONFEREES OF THE SENATE**

**RULES RELATING TO LOBBYING**

16. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or as-



sociations other than the news media by which they are employed.

17. **Method of Registration.** Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interests, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided.

18. **Registration Exception.** Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

19. **Obligations of Lobbyist.** A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

20. **Rules Committee Advisory Opinions.** A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

21. **Penalties for Violations.** Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

22. **Secretary to Provide Forms.** The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

23. **Committees to be Diligent.** Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered

lobbyist to be heard.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 2, set out in the foregoing Message from the house, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Roy W. Johnson, Jr.:

H. J. R. 8. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Representatives: Clark (J.), Davis and Blake.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, H.J.R. 8, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore of the Senate appointed as members on part of the Senate Senators Holmes, Drinkard, and Sanders.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 10. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, November 15, 1983, we adjourn to meet again on Wednesday, November 16, 1983; Thursday, November 17, 1983; Monday, November 21, 1983; and Tuesday, November 22, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, H. J. R. 10, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## RESOLUTIONS

Senator Smith (J) offered the following Senate Resolution, to-wit:

### S. R. 9. COMMENDING OUTFIELDER GARY REDUS OF THE CINCINNATI REDS.

WHEREAS, outfielder Gary Redus of the Cincinnati Reds is a native of Limestone County, Alabama, and a 1974 graduate of Tanner High School where he earned all-state honors in baseball, basketball and football; he also is a graduate of Calhoun State Junior College, and attended Athens State College where he was NAIA All-American in baseball; and

WHEREAS, the Reds' number-15 draft choice in 1978, outfielder Redus' outstanding first professional season was with the Billings Club of the Pioneer Rookie League, followed by seasons in Nashville and Greensboro, in Tampa and then in Waterbury prior to an incredible 1982 season, his first Class AAA season, with the Indianapolis Club where he led the Indians to the American Association Championship, batting .333 with career highs in homers, RBIs and stolen bases; and

WHEREAS, since joining the Reds in September 1982, Gary Redus has continued to excel, adding laurels to a professional career which is distinguished in its accomplishments; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we hereby most highly commend Alabama native Gary Redus of Courtland on his outstanding professional baseball career and direct that he receive a copy of this resolution, in token of our esteem and in expression of our appreciation for the fame and honor he has brought to the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

Senators Pearson, Sanders, Figures, and Bennett offered the following Senate Joint Resolution, to-wit:

### S. J. R. 10. COMMENDING DAVID VANCE OF BESSEMER, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

WHEREAS, on August 3, 1983, the Seventeenth Annual U. S. Youth Games were held in Worcester, Massachusetts, with Alabama and fourteen other states represented in this competition; and

WHEREAS, following two months of practice, David Vance was selected to participate on the Birmingham team, helping to represent that city in field and track events; and

WHEREAS, for his outstanding performances, David Vance received a silver medal in the 400 meter dash as well as a silver medal in the 800 meter dash with times of 62.60 seconds and 2:24.9 respectively; he also received a gold medal as a member of the track and field team which earned the highest points in this division; and

WHEREAS, David Vance, who is an 11 year old sixth grade student at Saint Aloysius, resides in Bessemer, Alabama, and is a member of the Jerusalem Baptist Church; and

WHEREAS, always showing an interest in athletics as well as displaying a special aptitude for track, David was a member of the Bessemer Dixie Youth Baseball League for four years and is presently a member of the basketball team at St. Aloysius; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend David Vance of Bessemer, Alabama, for outstanding athletic achievement, and direct that he receive a copy of this resolution in token of our regard and in expression of our admiration for his notable accomplishments at such an early age.

On motion of Senator Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

### MOTION TO ADJOURN

Senator Denton moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, November 16, 1983, at 12:00 o'clock Noon, which motion was adopted.

### RESOLUTION

Senators Pearson, Figures, Sanders, and Bennett offered the following Senate Resolution, to-wit:

S. R. 11. COMMENDING DAVID VANCE OF BESSEMER, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Which was adopted.

### RECESS

At 5:40 P.M., Senator deGraffenried moved that the Senate take a recess until 6:00 P.M., at which time the Message of His Excellency, the Governor, will be delivered in Joint Session, and further moved that at the completion of the Joint Session, the Senate re-assemble in the Senate Chamber, which motion was adopted.

### JOINT SESSION

At 6:00 P.M., the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, Honorable George Wallace.

The Session was called to order by Lieutenant Governor Bill Baxley, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable George Wallace was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, and in accordance with motion heretofore adopted, at 6:45 P.M., the Senate re-assembled in the Senate Chamber and was called to order by the Honorable Bill Baxley, President and Presiding Officer of the Senate.

### ROLL CALL

Present:

Senators:	Bennett	Denton	Goodwin
Aldridge	Bishop	Dial	Hand
Amari	Cabaniss	Dixon	Hilliard
Bailey	Cooley	Drinkard	Holmes
Barron	Corbett	Ellis	Langford
Bedford	Covington	Figures	Little
Bedsole	deGraffenried	Foshee	Menton

Mitchem	Pearson	Smith (B)	Strong	
Parsons	Sanders	Smith (J)	Teague	—35

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 7. CREATING A LEGISLATIVE PARKING COMMITTEE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE OF ALABAMA CONCURRING, That there is hereby created a joint committee to work with the Chief of Services, Department of Finance, in assigning parking places to members of the Legislature. Said committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the presiding officer of the Senate.

And the Speaker of the House of Representatives appointed as members on part of the House, Trammell, Goodwin, and Blake.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 7, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore of the Senate appointed as members on part of the Senate Senators Denton, Foshee, and Bishop.

### APPOINTMENT OF STANDING COMMITTEES

The President and Presiding Officer of the Senate announced the following Standing Committees of the Senate for the years November, 1983 - 1986, to-wit:

#### FINANCE AND TAXATION COMMITTEE

Mitchem, Chairperson; Little, Deputy Chairperson

#### EDUCATION SUBCOMMITTEE

deGraffenried, Vice Chairperson; Members: Aldridge, Bailey, Cooley, Ellis, Foshee, Hilliard, Holmes, Langford, Smith (J), Strong.

#### GENERAL FUND SUBCOMMITTEE

Goodwin, Vice Chairperson; Members: Amari, Barron, Bedford, Bennett, Corbett, Denton, Figures, Hand, Pearson, Smith (B).

### RULES

Bishop, Chairperson; Parsons, Vice Chairperson; Members: Aldridge, Cooley, Denton, Figures, Foshee.

### JUDICIARY

Hilliard, Chairperson; Ellis, Vice Chairperson; Members: Aldridge,

Amari, Bedford, Bennett, Cooley, deGraffenried, Langford, Little, Menton, Parsons, Sanders, Smith (J), Strong.

### GOVERNMENTAL AFFAIRS

Langford, Chairperson; Bennett; Vice Chairperson; Members: Bailey, Barron, Cooley, Corbett, Covington, Drinkard, Ellis, Figures, Goodwin, Parsons, Pearson, Sanders, Dixon.

### CONSTITUTIONAL REVISION

deGraffenried, Chairperson; Sanders, Vice Chairperson; Members: Aldridge, Ellis, Figures, Smith (B), Smith (J).

### AGRICULTURE, CONSERVATION, AND FORESTRY

Bailey, Chairperson; Menton, Vice Chairperson; Members: Aldridge, Bedford, Covington, Denton, Dial, Ellis, Figures, Goodwin, Hand, Little, Mitchem, Sanders, Smith (J).

### BUSINESS AND LABOR RELATIONS

Corbett, Chairperson; Drinkard, Vice Chairperson; Members: Bennett, Bedford, Cooley, Figures, Foshee, Parsons, Sanders.

### EDUCATION

Parsons, Chairperson; Strong, Vice Chairperson; Members: Bedsole, Bailey, Cooley, Corbett, Foshee, Hand, Hilliard.

### HEALTH AND WELFARE

Aldridge, Chairperson; Barron, Vice Chairperson; Members: Bailey, Covington, Dixon, Drinkard, Holmes, Smith (J), Bedsole.

### BANKING AND INSURANCE

Smith (J), Chairperson; Bennett, Vice Chairperson; Members: Amari, Barron, Cabaniss, deGraffenried, Denton, Drinkard, Foshee, Hilliard, Little, Mitchem, Sanders, Smith (B), Strong.

### COMMERCE, TRANSPORTATION, AND UTILITIES

Denton, Chairperson; Bedford, Vice Chairperson; Members: Amari, Bishop, Cabaniss, Foshee, Hilliard, Holmes, Smith (B).

### CONSUMER AFFAIRS

Figures, Chairperson; Smith (J), Vice Chairperson; Members: Bennett, Corbett, Parsons, Sanders, Strong.

### BUILDINGS AND GROUNDS

Foshee, Chairperson; Covington, Vice Chairperson; Member: Bishop.

### INDUSTRIAL EXPANSION, ECONOMIC GROWTH, AND JOBS

Smith (B), Chairperson; Covington, Vice Chairperson; Members: Cooley, Amari, Bailey, Cabaniss, Dixon, Figures, Smith (J).

### COMMITTEE ON AGING

Amari, Chairperson; Menton, Vice Chairperson; Members: Bailey, Barron, Bennett, Corbett, Drinkard, Goodwin, Holmes.

**STUDENT AND YOUTH ACTIVITIES**

Bedford, Chairperson; Strong, Vice Chairperson; Members: Bedsole, Dial, Dixon, Little, Menton.

**SMALL BUSINESS**

Holmes, Chairperson; Amari, Vice Chairperson; Members: Bedford, Cabaniss, Dixon, Hand, Goodwin.

**MILITARY AFFAIRS**

Dial, Chairperson; Holmes, Vice Chairperson; Members: Barron, Bedsole, Covington, Hand, Menton.

**LOCAL LEGISLATION NO. 1**

Foshee, Chairperson; Bedford, Vice Chairperson; Members: Aldridge, Bishop, Covington, Dial, Hand.

**LOCAL LEGISLATION NO. 2**

Pearson, Chairperson; Parsons, Vice Chairperson; Members: Amari, Bennett, Cabaniss, Hilliard.

**LOCAL LEGISLATION NO. 3**

Figures, Chairperson; Menton, Vice Chairperson; Members: Bedsole, Hand.

**ADJOURNMENT**

At 7:00 P.M., on motion of Senator Denton, in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Wednesday, November 16, 1983, at 12:00 o'clock Noon.

**JOURNAL OF THE SENATE, 1983  
2nd Day**

**SECOND LEGISLATIVE DAY  
WEDNESDAY, NOVEMBER 16, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Albert Perkins, Curate, St. John's Episcopal Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Bishop	Ellis	Little
Aldridge	Cabaniss	Figures	Menton
Amari	Corbett	Foshee	Mitchem
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hand	Sanders
Bedford	Denton	Hilliard	Smith (J)
Bedsole	Dial	Holmes	Strong
Bennett	Dixon	Langford	Teague

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**JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Cooley, Drinkard, Pearson, and Smith (B) for today.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an



appointment to the State Ethics Commission.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 15th day of November, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Ethics Commission for the term expiring September 1, 1988:

Dr. James J. Hicks  
P. O. Box 3364-A  
Birmingham, AL 35254

Respectfully submitted,

GEORGE C. WALLACE,  
Governor.

Done this 15th day of November, 1983.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Ethics Commission, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Real Estate Commission.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 15th day of November, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Real Estate Commission for the term expiring September 30, 1988:

JOURNAL OF THE SENATE, 1983  
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Mr. Walter O. Summerville  
Summerville Real Estate, Inc.  
900 Gault Ave., S  
Ft. Payne, AL 35967

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of November, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Rules.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Teague:

S. 26. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

Committee on Buildings and Grounds.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Rains and Coleman:

H. J. R. 22. COMMENDING MR. AND MRS. FURMAN NORTON ON THEIR 73RD WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchem, the Rules were suspended and the Resolution, H. J. R. 22, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MOTION TO ADJOURN**

Senator Little moved that when the Senate adjourns today, it adjourn to meet again on Thursday, November 17, 1983, at 10:00 o'clock A.M., which motion was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Turner:

H. J. R. 13. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House of Representatives to be appointed by the Speaker and four members of the Senate to be appointed by the Lieutenant Governor. The committee shall study all aspects of the impending completion of the Tennessee-Tombigbee Waterway including the impact that its completion shall have on the State of Alabama. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$7,500.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 13, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Moore, Tanner, and Smith:

H. J. R. 15. COMMENDING THE MONTEVALLO HIGH SCHOOL FOOTBALL TEAM.

Also:

By Rep. Nicholson:

H. J. R. 17. HONORING DR. W. E. BIRDSONG OF JASPER, ALABAMA.

Also:

By Reps. Nicholson, Brakefield, and Richardson:

H. J. R. 18. COMMENDING LUCIOUS "SONNY" RICHARDSON OF JASPER, ALABAMA.

Also:

By Rep. Harvey:

H. J. R. 21. COMMENDING COACH HUGH O'SHIELDS OF ONE-ONTA, ALABAMA.

Also:

By Reps. Seibels, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 14. MOURNING THE DEATH OF SERGEANT REX W. WINCHESTER OF THE IRONDALE POLICE DEPARTMENT.

Also:

By Reps. Holley, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 19. DESIGNATING A PORTION OF ALABAMA HIGHWAY 87 AS THE "SHERIFF NEIL GRANTHAM DRIVE."

JOHN W. PEMBERTON,  
Clerk.**HOUSE MESSAGE**

On motion of Senator Ellis, the Rules were suspended and the Resolution, H. J. R. 15, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 17, 18, 21, and 14, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

The Resolution, H. J. R. 19, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**REPORTS OF COMMITTEES**

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Teague, Barron, Bedford, Menton, Smith (J), Bedsole, Foshee, and Bishop:

S. 9. To provide for a supplemental appropriation for the use of the Legislature and the Legislative Reference Service.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Teague, Mitchem, Goodwin, Foshee, Bedford, Little, and Holmes (With Amendment):

S. 1. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for payment of Attorney General's fine as assessed by Federal Court; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Teague, Goodwin, and Foshee:

S. 2. To make a supplemental appropriation of \$78,000.00 to the Alabama Board of Nursing from the Alabama Board of Nursing Trust Fund for the fiscal year ending September 30, 1984.

By Senator Smith (J):

S. 12. To provide for the 1983 Taxpayer Convenience Act, by amending Section 40-7-2.1, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Little, Hilliard, Sanders, Aldridge, Bailey, Menton, Smith (J), Ellis, Cooley, Holmes, Bishop, and Barron (With Amendment):

S. 25. To make a supplemental appropriation from the general fund in

the state treasury to the office of the secretary of state the fiscal year ending September 30, 1984.

Senator Covington, Vice Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Amendment):

S. 5. To amend Act 82-514, The Revised Alabama Professional Corporation Act, by amending Sections 10 and 24 to determine the date of disqualification of shareholders and to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama, to continue.

Senator Aldridge, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Aldridge:

S. 6. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and §34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Covington (With Notice and Proof):

S. 22. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Member of the Board will be the same as the Election Districts for the County Commission.

By Senator Covington (With Notice and Proof):

S. 23. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for

the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof):

S. 18. To authorize, based on certain legislative findings, municipalities situated in counties having a population of 600,000 or more according to the last and any subsequent decennial census to alter and change water courses and to acquire, construct and develop wharves, warehouses, and other improvements related to the development and operation of river ports within a radius of twenty-five miles of the limits thereof in order to maximize the ability of such municipalities to promote the use of river and water transportation to take advantage of the transportation potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to authorize the acquisition of real property by eminent domain for the purposes of the Act; to authorize such municipalities to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds, to finance such river port facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such river port facilities, and to contract for joint construction and operation thereof; to make the provisions hereof severable; and to provide an effective date of the Act.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 3. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

By Senators Cooley, Aldridge, Parsons, Goodwin, Bennett, Bedford, Bishop, Drinkard, and Little:

S. 8. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Teague, Goodwin, and Bailey (With Amendments):

S. 21. To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Bedsole, Little, Bailey, Foshee, Menton, Aldridge, deGraffenried, Parsons, Bedford, Pearson, Cabaniss, Sanders, Strong, Ellis, Goodwin, Holmes, Bishop, and Covington:

S. 19. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 17. To amend Section 8-6-3, Code of Alabama 1975, relating to broker-dealers to provide further for the regulation of brokers and dealers.

By Senator Parsons:

S. 20. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

By Senators Pearson, Figures, Smith (J), Teague, Denton, Langford, deGraffenried, Bedford, Little, Amari, Hilliard, Parsons, Cooley, Goodwin, Sanders, Cabaniss, Bennett, and Holmes:

S. 4. To amend Section 35-9-82, Code of Alabama 1975, relating to recovery of possession of rented premises when possession is wrongfully withheld by a tenant, so as to provide for the service of writ or process on the tenant by certified or registered mail.

By Senators Smith (J), Goodwin, Hilliard, Pearson, and Bedford:

S. 7. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

By Senator Smith (J):

S. 13. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases;



and providing for periodic review of the circumstances of certain children.  
By Senator Smith (J):

S. 14. To further provide for the laws with respect to administration of decedents' estates to clarify ambiguities that may have resulted from the removal of the distinction between real and personal property in the laws respecting succession to decedents' estates.

#### **ADJOURNMENT**

At 1:00 o'clock P.M., on motion of Senator deGraffenried, in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Thursday, November 17, 1983, at 10:00 o'clock A.M.

**THIRD LEGISLATIVE DAY  
THURSDAY, NOVEMBER 17, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Jerry Irwin, Pastor, Vaughn Road Church of God, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Cooley	Ellis	Little
Aldridge	Corbett	Figures	Menton
Amari	Covington	Foshee	Mitchem
Bailey	deGraffenried	Goodwin	Parsons
Barron	Denton	Hand	Sanders
Bedford	Dial	Hilliard	Smith (J)
Bedsole	Dixon	Holmes	Strong
Bennett	Drinkard	Langford	Teague
Bishop			

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**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Teague, leave of absence was granted Senators Cabaniss, Pearson, and Smith (B) for today.

**RESOLUTION**

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. DEVELOPMENT OF CORRECTIONAL EDUCATION  
IN NEW PRISONS.

WHEREAS, incarceration in Alabama Prisons is an increasing burden

to the taxpayers of Alabama; and

WHEREAS, new prisons may have to be constructed to house the increased numbers; and

WHEREAS, Correctional Education is recognized as the best deterrent to the repetition of criminal activity resulting in individuals returning to prison; and

WHEREAS, it is recognized that the success rate of Alabama programs is eighty-five percent while the national success of all prisons to keep released offenders working, paying taxes, and providing for themselves and their families is only thirty-five percent; and

WHEREAS, all two-year colleges providing Correctional Education are accredited by the Southern Association of Colleges and Schools; and

WHEREAS, J. F. Ingram State Technical College was recognized by the U. S. Department of Education in the Summer of 1980, as one of the ten most successful programs in the United States and was recently revisited by Mr. Bernard B. O'Hayre, Director of Corrections Program, U. S. Department of Education, who confirmed that the high quality of Ingram's program remains intact; and

WHEREAS, on August 16, 1983, the U. S. Secretary of Education, T. H. Bell, signed Correctional Education Policy Statement which insures education involvement in corrections at the National level; and

WHEREAS, all institutions have active Citizen Advisory Councils to insure quality programs and assurance to the taxpayers that their concerns are protected; and

WHEREAS, on March 16, 1982 (Action Item No. G-1), the State Board of Education responded to its Prison Education Study Committee's recommendations and established Jurisdictional Responsibility for Prison Education in Alabama; and

WHEREAS, these Jurisdictional Responsibilities are still valid and effective; and

WHEREAS, on April 28, 1983 (Action Item No. 6), the State Board of Education authorized programs at West Jefferson and St. Clair Correctional institutions; and

WHEREAS, it is recognized that thirty-five percent of the population in each major correctional institution should be enrolled in educational programs, thereby, providing manpower to perform tasks for operation of prisons and allowing most incarcerated persons to enroll prior to release; and

WHEREAS, the Governor, through the Department of Economic and Community Affairs, has provided some CETA and JTPA start-up funds for programs at West Jefferson and St. Clair; and

WHEREAS, ninety-eight percent of the State prisoners will be released and those communities to which the released prisoners will return deserve to have them come back with employable skills, a desire to work, ability to provide for themselves and pay taxes, and possessing respect for the rules of society;

NOW, THEREFORE, BE IT RESOLVED, That the legislature wishes the State Board of Education to direct that J. F. Ingram State Technical College, Alexander City State Junior College, Atmore State Technical Col-

lege, and Jefferson Davis State Junior College develop programs for prisons in their jurisdictions as rapidly as funds (from any source) can be secured; and

BE IT FURTHER RESOLVED, That when temporary start-up funds (such as CETA and JTPA) are no longer available, student enrollment credit and contact hours for approved courses will be counted in formula calculations for following year's allocation.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

### BILLS ON THIRD READING

#### The Bill:

S. 22. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

#### Yeas:

Senators:	Bennett	Ellis	Menton
Aldridge	Bishop	Foshee	Mitchem
Amari	Cooley	Hand	Parsons
Bailey	Covington	Holmes	Sanders
Barron	Denton	Langford	Strong
Bedford	Dial	Little	Teague
Bedsole	Dixon		

—25

#### Nays:

—0

#### The Bill:

S. 23. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

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3rd Day

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*Yeas:*

Senators:	Bennett	Ellis	Menton
Aldridge	Bishop	Foshee	Mitchem
Amari	Cooley	Hand	Parsons
Bailey	Covington	Holmes	Sanders
Barron	Denton	Langford	Strong
Bedford	Dial	Little	Teague
Bedsole	Dixon		

—25

*Nays:* —0

**The Bill:**

S. 18. To authorize, based on certain legislative findings, municipalities situated in counties having a population of 600,000 or more according to the last and any subsequent decennial census to alter and change water courses and to acquire, construct and develop wharves, warehouses, and other improvements related to the development and operation of river ports within a radius of twenty-five miles of the limits thereof in order to maximize the ability of such municipalities to promote the use of river and water transportation to take advantage of the transportation potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to authorize the acquisition of real property by eminent domain for the purposes of the Act; to authorize such municipalities to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds, to finance such river port facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such river port facilities, and to contract for joint construction and operation thereof; to make the provisions hereof severable; and to provide an effective date of the Act.

was taken up.

On motion of Senator Hilliard, further consideration of the Bill, S. B. 18, was postponed temporarily.

**MESSAGE FROM THE HOUSE**

**Mr. President:**

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 10. RELATIVE TO MEETING DATES FROM TUESDAY, NOVEMBER 15, 1983 THROUGH TUESDAY, NOVEMBER 22, 1983.

Also:

H. J. R. 12. TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 7. CREATING A LEGISLATIVE PARKING COMMITTEE.

Also:

H. J. R. 8. NOTIFYING THE GOVERNOR THAT THE LEGISLATURE IS NOW IN SESSION.

Also:

H. J. R. 9. RELATIVE TO THE GOVERNOR ADDRESSING A JOINT SESSION OF THE LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 9. To provide for a supplemental appropriation for the use of the Legislature and the Legislative Reference Service.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Menton	
Aldridge	Denton	Hand	Mitchem	
Bailey	Dixon	Hilliard	Parsons	
Bedsole	Ellis	Holmes	Smith (J)	
Bennett	Figures	Langford	Strong	
Corbett	Foshee	Little	Teague	—23

Nays:

—0

The Bill:

S. 1. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for payment of Attorney General's fine as assessed by Federal Court; for capital outlay to the Department of Finance and Department of Corrections

and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment, to-wit:

**COMMITTEE AMENDMENT TO S. B. 1**

Amend Senate Bill 1 on page 1 by striking the language "for payment of Attorney General's fee as assessed by Federal Court;" as said language appears on lines 10 and 11 in the Synopsis and on lines 22 and 23 in the Title.

Further amend Senate Bill 1 on page 2 by striking all language on lines 2 through 4 in their entirety.

Further amend Senate Bill 1 on page 2 by striking the "(d)" on line 5 and insert in lieu thereof "(c)".

Further amend Senate Bill 1 on page 2 by striking all language on lines 13 through 18 in their entirety.

Further amend Senate Bill 1 on page 2 by striking the "(b)" on line 19 and by inserting in lieu thereof "(a)"; and on line 23 by striking the "(c)" and insert in lieu thereof "(b)".

On motion of Senator Bedsole, further consideration of the Bill, S. B. 1, and pending amendment, was postponed temporarily.

**REPORTS OF COMMITTEES**

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 26. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Sanders and Figures (With Amendment):

S. 15. To prescribe that no person shall be denied a hunting license solely because such person is physically handicapped or disabled.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Res-

olutions, your signature thereto is requested.

H. J. R. 14. MOURNING THE DEATH OF SERGEANT REX W. WINCHESTER OF THE IRONDALE POLICE DEPARTMENT.

Also:

H. J. R. 15. COMMENDING THE MONTEVALLO HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 17. HONORING DR. W.E. BIRDSONG OF JASPER, ALABAMA.

Also:

H. J. R. 18. COMMENDING LUCIOUS "SONNY" RICHARDSON OF JASPER, ALABAMA.

Also:

H. J. R. 21. COMMENDING COACH HUGH O'SHIELDS OF ONE-ONTA, ALABAMA.

Also:

H. J. R. 22. COMMENDING MR. AND MRS. FURMAN NORTON ON THEIR 73RD WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### RESOLUTION

Senators Hand, Little, Dixon, Dial, Mitchem, Holmes, Foshee, Strong, Barron, Bedsole, and Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. CREATING A CONTINUING JOINT INTERIM COMMITTEE ON PRISON SYSTEM FACILITY ACQUISITIONS.

WHEREAS, the Governor of the State of Alabama and the Department of Corrections continue to remain under Federal Court Order mandating certain changes and improvements in the conditions of Alabama's prisons; and

WHEREAS, there is a mounting concern among the citizenry of this state for a permanent resolution of this crisis situation; and

WHEREAS, the short term and long term solutions to the state prison inmate overcrowding are the acquisitions of additional penal institutions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a con-



tinuing joint legislative interim committee, to be known as the Joint Continuing Committee on Prison System Facility Acquisitions, which committee shall be composed of six (6) members, three (3) each selected by the Speaker of the House and the Lieutenant Governor. The committee shall focus its main attention on the evaluation of costs related to acquiring land and constructing facilities to house state prison inmates. The committee shall select a chairman from among its members and shall meet upon the call of the chairman.

Upon the request of the chairman, the secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses incurred within the State for each day he attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay. Each legislative member shall further be entitled to actual expenses for travel outside the State of Alabama which is deemed necessary by the Chairman and in accordance with the objectives of the committee. Such sums shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman; provided, however, that in no event shall the committee's total expenses exceed \$7,000.00 per year.

Which was read and referred to the Standing Committee on Rules.

#### FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1. The question was on the Committee amendment.

And said amendment was then adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cooley	Figures	Little
Aldridge	Corbett	Foshee	Menton
Amari	Covington	Goodwin	Mitchem
Bailey	deGraffenried	Hand	Parsons
Barron	Denton	Hilliard	Sanders
Bedsole	Dial	Holmes	Smith (J)
Bennett	Drinkard	Langford	Teague
Bishop	Ellis		

—29

Nays: —0

Senator Dial offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

#### AMENDMENT TO S. B. 1, AS AMENDED

Amend Senate Bill 1 page 2 by striking on line 9

For Construction of Prison

and adding

For Completion of prison in Limestone Co.

On motion of Senator Bedford, said amendment was laid on the table.

Senator Dial then offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

**AMENDMENT TO S. B. 1, AS AMENDED**

Amend Senate Bill No. 1 Page 2 Line 9, by adding after the word "prison" the following:

"with the completion of the prison in Limestone County as first priority."

On motion of Senator Teague, said amendment was laid on the table.

And said Bill, S. B. 1, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Senators:	Covington	Figures	Little
Aldridge	deGraffenried	Foshee	Menton
Amari	Denton	Goodwin	Parsons
Bailey	Dial	Hand	Sanders
Bedford	Dixon	Hilliard	Smith (J)
Bedsole	Drinkard	Holmes	Strong
Bishop	Ellis	Langford	Teague
Corbett			

—28

Nays:

—0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 2. JOINT RULES OF THE LEGISLATURE.

Also:

S. J. R. 3. COMMITTEE TO NOTIFY GOVERNOR AND ASCERTAIN DESIRE FOR JOINT SESSION.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate for its consideration:

S. J. R. 5. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE CONSTRUCTION OF A LEGISLATIVE OFFICE BUILDING.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Bishop, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 5, the title of which is set out in the foregoing Message from the House, to-wit:

**AMENDMENT TO S. J. R. 5**

Amend S. J. R. 5 on line 24 by deleting the word ~~themselves~~ where said word appears thereon and inserting in lieu therefor the word themselves.

Amend S. J. R. 5 by inserting on line 33 after the word "committee." the following

The expenditures of this committee shall not exceed \$20,000.00.

**RESOLUTIONS**

Senator Dixon offered the following Senate Resolution, to-wit:

**S. R. 14. COMMENDING RHUBARB JONES OF WLWI-RADIO, MONTGOMERY, ALABAMA.**

Which was adopted.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**S. R. 15. RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the third legislative day of the Third Special Session, 1983:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 21	SIR Program	8
S. B. 2	Alabama Bd. of Nursing	2
S. B. 3	Legislative offices	7
S. B. 6	State Bd. of Med. Examiners	5

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

Senator Bishop offered the following Senate Joint Resolution, to-wit:

**S. J. R. 16. TO CREATE A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE ALABAMA AERONAUTICS COMMISSION.**

WHEREAS, the legislature created the Alabama Aeronautics Commission in 1945 to regulate and assist the operation of rural airports in this State; and

WHEREAS, this commission is therefore a creature of the legislature and should be responsive to the directions and mandates of the legislature; and

WHEREAS, the legislature, in the Second Special Session 1983 created the position of Assistant Director of Aeronautics; and

WHEREAS, since the creation of this position by the legislature certain questions have been posed as to the wisdom of the legislature in creating this position; and

WHEREAS, the creation of this position by the legislature has through the Director of the Aeronautics Commission been publicly criticized as unnecessary; and

WHEREAS, the Director of the Commission has called his opposition

to the action of the legislature creating this position to the attention of the news media of this state instead of to the legislative body that created this position; and

WHEREAS, the legislature recognizes the need to inquire into and investigate the allegations of the Director as to whether the position of Assistant Director is necessary and whether the position is held by a qualified person, and

WHEREAS, the legislature deems it necessary and appropriate at this time to create a Joint Interim Committee to study and investigate all phases and activities of the Aeronautics Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Joint Interim Aeronautics Commission Committee which shall be composed of 3 members of the House appointed by the Speaker and 3 members of the Senate appointed by the presiding officer of the Senate. The Committee shall meet within ten days from the passage of this SJR and shall elect from among its membership a chairman and vice-chairman. The staff and facilities of the legislature shall be available to this committee and the chairman of the committee is authorized to call meetings and issue subpoenas for persons and documents to be caused to appear before said committee. There is hereby appropriated \$1,000 from the funds available for the legislature to be paid to the members of this committee when conducting committee business when the legislature is not in session at regular pay for members as though in session.

The committee shall make its findings known to the legislature by the last legislative day of the 1984 Regular Session at which time it shall stand dissolved.

On motion of Senator Bishop, the Rules were suspended and the Resolution was adopted by the Senate.

### **SPECIAL ORDER BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 21. To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 21, to-wit:

#### **COMMITTEE AMENDMENT TO S. B. 21**

Amend Senate Bill 21, Line 14 by substituting the following:

##### **"SECTION 6.**

An inmate placed in the supervised intensive restitution program must have been ordered by a court of this state to make restitution or must have been ordered by the commissioner of the Department of Corrections to make restitution to the victim of the crime for which he/she was convicted. Provided, however, that nothing herein shall be construed to prohibit participation in this program of an inmate convicted of a crime where no victim was involved or where restitution has already been made."

**RECESS**

At 12:00 o'clock Noon, on motion of Senator Teague, the Senate took a recess until 1:30 P.M.

The recess period having expired, at 1:30 P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

**FURTHER CONSIDERATION OF S. B. 21**

The Senate proceeded to further consideration of the Bill, S. B. 21. The question was on the Committee amendment No. 1.

On motion of Senator Teague, said amendment was laid on the table.

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 21, to-wit:

**COMMITTEE AMENDMENT TO S. B. 21**

Amend Senate Bill 21, Page 2, Line 7 by inserting

“who has ever been”

after the word

“convicted”

On motion of Senator Teague, said amendment was laid on the table.

Senator Bedsole offered the following amendment to the Bill, S. B. 21, to-wit:

**AMENDMENT TO S. B. 21**

Amend Senate Bill 21, Page 2, Line 7 by inserting

“who has ever been”

before the word

“convicted”

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

**S. J. R. 5. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE CONSTRUCTION OF A LEGISLATIVE OFFICE BUILDING.**

**CHARLES BISHOP,**  
Chairperson.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing

Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

### FURTHER CONSIDERATION OF S. B. 21

The Senate proceeded to further consideration of the Bill, S. B. 21. The question was on the amendment offered by Senator Bedsole.

And said amendment was then adopted by the Senate.

Yeas 24; Nays 0.

*Yeas:*

Senators:	deGraffenried	Foshee	Menton	
Bailey	Denton	Goodwin	Mitchem	
Barron	Dixon	Hand	Sanders	
Bedsole	Drinkard	Holmes	Smith (J)	
Bennett	Ellis	Langford	Strong	
Corbett	Figures	Little	Teague	
Covington				—24

*Nays:* —0

Senators Corbett and Holmes offered the following amendment to the Bill, S. B. 21, as amended, to-wit:

### AMENDMENT TO S. B. 21

Amend Senate Bill 21 by inserting to Section 6, Line 14, prior to "When".

"Before placing an inmate on this program the sentencing Judge and District Attorney will be notified 10 days prior."

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Senators:	Dial	Hand	Mitchem	
Bailey	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Holmes	Smith (J)	
Corbett	Ellis	Langford	Strong	
Covington	Figures	Little	Teague	
deGraffenried	Foshee	Menton		—22

*Nays:* —0

On motion of Senator Teague, further consideration of the Bill, S. B. 21, as amended, was postponed subject to the call of the Chair.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 2. To make a supplemental appropriation of \$78,000.00 to the Alabama Board of Nursing from the Alabama Board of Nursing Trust Fund for the fiscal year ending September 30, 1984.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

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*Yeas:*

Senators:	Cooley	Drinkard	Langford
Aldridge	Corbett	Ellis	Little
Bailey	Covington	Foshee	Menton
Barron	deGraffenried	Goodwin	Mitchem
Bedford	Denton	Hand	Parsons
Bedsole	Dial	Hilliard	Strong
Bennett	Dixon	Holmes	Teague
Bishop			—28

*Nays:* —0

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. James J. Hicks to the State Ethics Commission.

On motion of Senator Bishop, the appointment of Dr. Hicks was confirmed by the Senate.

Yeas 29; Nays 0.

*Yeas:*

Senators:	Cooley	Foshee	Menton
Aldridge	Corbett	Goodwin	Mitchem
Amari	Covington	Hand	Parsons
Barron	Dial	Hilliard	Sanders
Bedford	Dixon	Holmes	Smith (J)
Bedsole	Drinkard	Langford	Strong
Bennett	Ellis	Little	Teague
Bishop	Figures		—29

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Walter O. Summerville to the Alabama Real Estate Commission.

On motion of Senator Bishop, the appointment of Mr. Summerville was confirmed by the Senate.

Yeas 29; Nays 0.

*Yeas:*

Senators:	Cooley	Foshee	Menton
Aldridge	Corbett	Goodwin	Mitchem
Amari	Denton	Hand	Parsons
Bailey	Dial	Hilliard	Sanders
Barron	Dixon	Holmes	Smith (J)
Bedford	Drinkard	Langford	Strong
Bennett	Ellis	Little	Teague
Bishop	Figures		—29

*Nays:* —0

**FURTHER CONSIDERATION OF S. B. 18**

The Senate proceeded to further consideration of the Bill, S. B. 18.

Senator Hilliard offered the following amendment to the Bill, S. B. 18, to-wit:

**AMENDMENT TO S. B. 18**

Amend S. B. 18 as follows:

On page 3, line 29, strike Section 4, in its entirety and insert in lieu thereof the following:

"Section 4. Provided, however, that this bill shall not affect Walker County unless specifically approved by the County Commissioners of Walker County."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Menton
Aldridge	Cooley	Foshee	Parsons
Amari	Covington	Hand	Sanders
Bailey	Denton	Hilliard	Smith (J)
Barron	Dial	Holmes	Strong
Bedsole	Dixon	Little	Teague
Bennett	Ellis		

—25

Nays:

—0

And said Bill, S. B. 18, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 1.

Yeas:

Senators:	Bishop	Ellis	Little
Aldridge	Cooley	Figures	Menton
Amari	Covington	Foshee	Sanders
Bailey	Denton	Hand	Smith (J)
Barron	Dial	Hilliard	Strong
Bedsole	Dixon	Holmes	Teague
Bennett			

—24

Nay: Senator Parsons

—1

The Bill:

S. 3. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.



THIRD EXTRAORDINARY SESSION  
3rd Day

69

*Yeas:*

Senators:	Bedsole	Drinkard	Little	
Aldridge	Bennett	Foshee	Menton	
Amari	Cooley	Goodwin	Mitchem	
Bailey	deGraffenried	Hand	Smith (J)	
Barron	Denton	Holmes	Strong	
Bedford	Dixon	Langford	Teague	—23

*Nays:* —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 10. COMMENDING DAVID VANCE OF BESSEMER, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

S. J. R. 16. TO CREATE A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE ALABAMA AERONAUTICS COMMISSION.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 22. To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 22. To the Committee on Judiciary.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 6. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and §34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Figures	Langford	
Aldridge	Denton	Goodwin	Little	
Amari	Dial	Hand	Smith (J)	
Bedford	Dixon	Hilliard	Strong	
Bennett	Drinkard	Holmes	Teague	—19

Nays: —0

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 17. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the third legislative day of the Third Special Session, 1983:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 19	Blue reflective markers	9
S. B. 12	Taxpayer Convenience Act	3

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

**SPECIAL ORDER  
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the second, paramount, and continuing order of business for today, the first of which was the Bill:

S. 19. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

And said Bill, S. B. 19, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Little	
Aldridge	Bishop	Figures	Menton	
Amari	Corbett	Foshee	Mitchem	
Bailey	Denton	Goodwin	Sanders	
Barron	Dial	Hand	Smith (J)	
Bedford	Dixon	Holmes	Strong	
Bedsole	Drinkard	Langford	Teague	—27

Nays: —0

**MOTION TO ADJOURN**

Senator Teague moved that when the Senate adjourns today, it adjourn to meet again on Monday, November 21, 1983, at 4:00 o'clock P.M., which motion was adopted.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 12. To provide for the 1983 Taxpayer Convenience Act, by amending Section 40-7-2.1, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Figures	Menton
Bailey	Covington	Hand	Mitchem
Barron	deGraffenried	Hilliard	Parsons
Bedford	Denton	Holmes	Sanders
Bedsole	Dial	Langford	Smith (J)
Bennett	Dixon	Little	Teague
Bishop	Drinkard		

—25

Nays:

—0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Coleman and Rains:

H. 23. To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

Also:

By Reps. Rains and Coleman:

H. 28. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee as follows:

H. B.'s 23 and 28. To the Committee on Governmental Affairs.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Flowers, Moore, Carothers, Johnson (R.G.), and Mitchell:

H. 1. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and §34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Also:

By Reps. Sasser and Turnham:

H. 7. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

By Rep. Holley:

H. 10. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

Also:

By Rep. Moore:

H. 21. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees as follows:

H. B. 1. To the Committee on Health and Welfare.

H. B. 7. To the Committee on Finance and Taxation.

H. B. 10. To the Committee on Governmental Affairs.

H. B. 21. To the Committee on Judiciary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Adams, Laird, Blakeney, Rains, Penry, White (L), Harvey, Box, Sasser, Carter, Payne, Richardson, Grimsley, McMillan, Crow, Browder, Butler, Grouby, Bowling, Turner, Nicholson, Mitchell, Poole,

Martin, Starkey, Rice, Cosby, Venable, Hammett, Johnson (R.G.), Dutton, Lindsey, Junkins, McKee, Goodwin, Trammell, Bachus, White (G), Holley, and Preuitt:

H. 18. To provide that a convicted defendant in a misdemeanor case shall be required to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

Also:

By Rep. White (F):

H. 2. To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town; to establish an effective date.

Also:

By Reps. Holley and Faulk:

H. 11. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees as follows:

H. B. 18. To the Committee on Judiciary.

H. B. 2. To the Committee on Governmental Affairs.

H. B. 11. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Martin and Parker (With Notice and Proof):

H. 5. Relating to Morgan County; amending further Sections 3, 5, 7, 8, 9, 10, 13, 14 and 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), as amended, creating the Municipal Utilities Board of Decatur, so as to provide further for the organization, membership, administration and general operations of such board and the compensation of the members of such board and to repeal Sections 17 and 19 of said Act, as amended.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 5, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Faulk (With Notice and Proof):

H. 14. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 14, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Faulk (With Notice and Proof):

H. 15. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 15, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Venable and Mikell (With Notice and Proof):

H. 27. To amend Title 12-13-41, describing the duties of the Probate Judges generally, Code of Alabama 1975 so as to allow the Probate Judge of Elmore County, Alabama to have one general index book relative to transactions in the Probate Office of Elmore County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 27, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Mes-

sage from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 5, 14, 15, and 27. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (J) and Campbell:

H. 20. To provide for a general statewide advisory public referendum. This bill advisory provides for a public referendum vote by all qualified electors of the State of Alabama, for the purpose of providing the Legislature with the "sense of the public" with regard to matters relating to the advisability or acceptability of additional revenue or taxation matters for the purpose of providing more and/or expanded correctional facilities.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 20. To the Committee on Governmental Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 16. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for payment of Attorney General's fine as assessed by Federal Court; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 16. To the Committee on Finance and Taxation.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird:

H. 17. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (b) to pay four-tenths of the road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (c) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain county facilities (as defined herein), to be secured by a pledge of (i) one-half of the said special ad valorem tax, (ii) four-tenths of said road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, and (iii) such other taxes levied by Randolph County as the governing body of Randolph County shall determine; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternative method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 17. To the Committee on Constitutional Revision.

The above Bill was read a second time at length as required by the Constitution.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Butler:

H. J. R. 28. AMENDING ACT 79-816, SJR 172 (Acts of 1979, p. 1515) AS AMENDED SO AS TO ADD TWO MEMBERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act 79-816, SJR 172 (Acts of 1979, p. 1515) as amended as follows.

WHEREAS, the Medicaid program of the State of Alabama is taking a larger and larger portion of the funds in the state treasury; and



WHEREAS, there exists on a regular basis a crisis situation with the administration of state funds for the medicaid program; and

WHEREAS, the members of the general public and state officials are becoming alarmed at the increasing cost of this program to the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing joint select committee to be composed of ~~four~~ five members of the House and ~~four~~ five members of the Senate to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicaid program with particular emphasis on the increasing cost to the state of such program. The committee shall also study the impending impact of federal block grants to operate state health and welfare programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1980 1984 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee and the total expenses of the committee shall not exceed \$7,000.00: per annum.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Bedford, the Rules were suspended and the Resolution, H. J. R. 28, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the University of Montevallo Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 17th day of November, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following as a member of the University of Montevallo Board of Trustees for the term expiring January 19, 1995:

Honorable Frank Ellis  
Attorney at Law  
Main Street  
Columbiana, AL 35051

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 17th day of November, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of Montevallo Board of Trustees, was read and referred to the Standing Committee on Rules.

#### ADJOURNMENT

At 3:30 P.M., on motion of Senator Little, in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Monday, November 21, 1983, at 4:00 o'clock P.M.

THIRD EXTRAORDINARY SESSION  
4th Day

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FOURTH LEGISLATIVE DAY  
MONDAY, NOVEMBER 21, 1983

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

PRAYER

The Session was opened with prayer by the Reverend Ben Sawada, Minister, Capitol Heights United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Ellis	Little
Aldridge	Cooley	Figures	Menton
Amari	Corbett	Foshee	Mitchem
Bailey	Covington	Goodwin	Pearson
Barron	deGraffenried	Hand	Sanders
Bedsole	Denton	Hilliard	Smith (J)
Bennett	Dial	Holmes	Strong
Bishop	Drinkard	Langford	Teague

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Bedford, Dixon, Parsons, and Smith (B) for today.

RESOLUTION

Senator Menton offered the following Senate Resolution, to-wit:

S. R. 18. COMMENDING THE DAUGHTERS OF CHARITY OF SAINT VINCENT DE PAUL.

Which was adopted.

**CALENDAR BILLS INDEFINITELY POSTPONED**

On motion of Senator deGraffenried, further consideration of all Senate Bills remaining on the Calendar was indefinitely postponed.

**MOTION TO ADJOURN**

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, November 22, 1983, at 10:00 o'clock A.M., which motion was adopted.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 10. COMMENDING DAVID VANCE OF BESSEMER, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

S. J. R. 16. TO CREATE A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE ALABAMA AERONAUTICS COMMISSION.

CHARLES BISHOP,  
Chairperson.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Auburn University Board of Trustees.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 21st day of November, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following as a member of the Auburn University Board of Trustees for the term expiring January 1995:

Mr. R. C. "Red" Bamberg  
Uniontown, Alabama

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 21st day of November, 1983.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Auburn University, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Forestry Commission.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 21st day of November, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following as a member of the State Forestry Commission for the term expiring November 5, 1988:

Mr. Grover A. Gibbs  
229 Franklin  
Troy, AL 36081

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 21st day of November, 1983.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Forestry Commission, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Forestry Commission.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 21st day of November, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following as a member of the State Forestry Commission for the term expiring November 5, 1988:

Mr. Homajean Grisham  
Grisham & Guthrie Building Supplies  
Cherokee, AL 35616

Respectfully submitted,

GEORGE C. WALLACE,  
Governor.

Done this 21st day of November, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Forestry Commission, was read and referred to the Standing Committee on Rules.

**REPORTS OF COMMITTEES**

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Holley:

H. 10. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

By Reps. Rains and Coleman:

H. 28. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

By Reps. Coleman and Rains:

H. 23. To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

By Reps. Clark (J) and Campbell:

H. 20. To provide for a general statewide advisory public referendum. This bill advisory provides for a public referendum vote by all qualified electors of the State of Alabama, for the purpose of providing the Legislature with the "sense of the public" with regard to matters relating to the advisability or acceptability of additional revenue or taxation matters for the purpose of providing more and/or expanded correctional facilities.

By Rep. White (F):

H. 2. To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town; to establish an effective date.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Sasser and Turnham:

H. 7. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Holley and Faulk (With Amendment):

H. 11. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

By Rep. Coburn (With Amendment):

H. 16. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for payment of Attorney General's fee as assessed by Federal Court; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

Senator deGraffenried, Chairperson of the Standing Committee on Constitutional Revision, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a

favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Laird:

H. 17. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (b) to pay four-tenths of the road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (c) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain county facilities (as defined herein), to be secured by a pledge of (i) one-half of the said special ad valorem tax, (ii) four-tenths of said road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, and (iii) such other taxes levied by Randolph County as the governing body of Randolph County shall determine; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternative method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

The above Bill was read a second time at length as required by the Constitution.

Senator Aldridge, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Flowers, Moore, Carothers, Johnson (RG) and Mitchell:

H. 1. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and §34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Martin and Parker (With Notice and Proof):

H. 5. Relating to Morgan County; amending further Sections 3, 5, 7, 8, 9, 10, 13, 14 and 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), as amended, creating the Municipal Utilities Board of Decatur, so as to provide further for the organization, membership, administration and general operations of such board and the compensation of the members of such board and to repeal Sections 17 and 19 of said Act, as amended.



By Rep. Faulk (With Notice and Proof):

H. 14. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

By Rep. Faulk (With Notice and Proof):

H. 15. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

By Reps. Venable and Mikell (With Notice and Proof):

H. 27. To amend Title 12-13-41, describing the duties of the Probate Judges generally, Code of Alabama 1975 so as to allow the Probate Judge of Elmore County, Alabama to have one general index book relative to transactions in the Probate Office of Elmore County.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Moore:

H. 21. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

By Reps. Adams, Laird, Blakeney, Rains, Penry, White (L), Harvey, Box, Sasser, Carter, Payne, Richardson, Grimsley, McMillan, Crow, Browder, Butler, Grouby, Bowling, Turner, Nicholson, Mitchell, Poole, Martin, Starkey, Rice, Cosby, Venable, Hammett, Johnson (RG), Dutton, Lindsey, Junkins, McKee, Goodwin, Trammell, Bachus, White (G), Holley and Preuitt:

H. 18. To provide that a convicted defendant in a misdemeanor case shall be required to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and

ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell (With Substitute):

H. 22. To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

### RESOLUTION

Senator Little offered the following Senate Resolution, to-wit:

S. R. 19. MOURNING THE DEATH OF MR. J. A. THOMPSON OF ANDALUSIA, ALABAMA.

Which was adopted.

### ADJOURNMENT

At 5:30 P.M., on motion of Senator deGraffenried, in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Tuesday, November 22, 1983, at 10:00 o'clock A.M.

**FIFTH LEGISLATIVE DAY  
TUESDAY, NOVEMBER 22, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Baptist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Cooley	Foshee	Mitchem
Aldridge	Corbett	Goodwin	Parsons
Amari	Covington	Hand	Pearson
Bailey	deGraffenried	Hilliard	Sanders
Barron	Denton	Holmes	Smith (B)
Bedsole	Dial	Langford	Smith (J)
Bennett	Drinkard	Little	Strong
Bishop	Ellis	Menton	Teague
Cabaniss	Figures		

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**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with.

**LEAVES OF ABSENCE**

On motion of Senator Teague, leave of absence was granted Senators Bedford and Dixon for today.

**RESOLUTIONS**

Senator Strong offered the following Senate Resolution, to-wit:

**S. R. 20. COMMENDING AND CONGRATULATING THE MARENCO ACADEMY LONGHORN FOOTBALL TEAM ON WINNING THE STATE CHAMPIONSHIP IN DIVISION 3A OF THE ALABAMA PRIVATE SCHOOL ATHLETIC ASSOCIATION.**

Which was adopted.

Senator Cooley offered the following Senate Joint Resolution, to-wit:

**S. J. R. 21. CREATING THE CULLMAN COUNTY ELECTED OFFICIALS SALARY COMMISSION.**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Cullman County, a commission to be known as the Cullman County Elected Officials Salary Commission, hereinafter called "the commission." The commission shall be composed of such members as may be selected by the Cullman County legislative delegation. Appointments shall serve at the pleasure of the appointing authority and vacancies shall be filled by the appointing authority. The commission shall select a chairman. The commission shall make its own rules for the conduct of business. Meetings shall be held at the call of the chairman. Members of the commission shall serve without compensation. Administrative support shall be provided**

by the Cullman County Legislative Office.

The objective of the commission will be to provide information and recommendation regarding salaries of Cullman County elected officials. The specific objectives of the commission shall be described by the Cullman County Legislative Delegation. This resolution supersedes and amends any previous resolutions relating thereto.

On motion of Senator Cooley, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Rains, Coleman, and Bugg:

H. J. R. 29. COMMENDING MR. AND MRS EVERETTE SIMS ON THEIR 73RD WEDDING ANNIVERSARY.

Also:

By Reps. Rains, Coleman, and Bugg:

H. J. R. 30. COMMENDING MR. AND MRS. JAMES H. BROCK ON THEIR 72ND WEDDING ANNIVERSARY.

Also:

By Reps. Coleman and Rains:

H. J. R. 33. COMMENDING MR. AND MRS. CHARLIE HALLMAN OF GUNTERSVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTION TO JACKSONVILLE STATE UNIVERSITY.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 34. COMMENDING SMITH LAKE CIVIC ASSOCIATION.  
JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 29, 30, 33, and 34, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### RESOLUTIONS

Senator Figures offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. MOURNING THE DEATH OF MRS. MARTHA LORRAINE SYKES HAMILTON OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature grievously notes the untimely death of Mrs. Martha Lorraine Sykes Hamilton of Mobile, Alabama, on November 18, 1983, at the age of just 46 years; and

WHEREAS, a native of Mobile and educated in the public schools of that city, Mrs. Hamilton had been involved in unselfish service on behalf of

area citizens since 1965 with Mobile Community Action's Head Start program.

WHEREAS, in 1968 she became coordinator of Parent Involvement and Volunteers for the Mobile Community Action's Headstart program; and

WHEREAS, Mrs. Hamilton also served as vice president of the Alabama Headstart Association and as treasurer of her church, The Mount Zion Primitive Baptist Church of Mobile; and

WHEREAS, she further pioneered Arts and Crafts for the Parent Involvement and Volunteers organization and, by virtue of her resolve to be of service, in 1965, was one of the first parents to become involved with the headstart program; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Martha Lorraine Sykes Hamilton of Mobile, Alabama, and extend sincere sympathy to her family, to whom a copy of this resolution shall be presented, expressing our concern for them in this time of such deep sorrow.

On motion of Senator Figures, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Aldridge offered the following Senate Joint Resolution, to-wit:

S. J. R. 23. COMMENDING THE HARTSELLE FIREFIGHTERS ON THEIR RECENT NOMINATION FOR THE 1983 PRESIDENT'S VOLUNTEER ACTION AWARD.

WHEREAS, the Alabama Legislature notes with pleasure the recent nomination of the Hartselle, Alabama, firefighters for the 1983 President's Volunteer Action award; and

WHEREAS, the nomination was, in part, the result of the firefighters' annual fund-raising efforts on behalf of multiple sclerosis research; they managed to raise \$3,300 in donations this year; and

WHEREAS, President Reagan recently acknowledged the numerous civic and charitable contributions to the betterment of mankind in a hand-signed letter; and

WHEREAS, the letter from the President stated in part "... Your dedication to serving your community and your fellowman has helped to revitalize the spirit of voluntarism in our Nation"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Hartselle, Alabama, firefighters on their nomination for the 1983 President's Volunteer Action Award.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the firefighters and Chief P. C. Hill as evidence of esteem and warmest personal regard.

On motion of Senator Aldridge, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dial, Teague, and Holmes offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. COMMENDING BOBBY ALLISON.

WHEREAS, Bobby Allison, longtime resident of Hueytown, Alabama, on November 20th claimed the Winston Cup Grand National Championship, the most prestigious title in all of auto racing; and

WHEREAS, Mr. Allison claimed the title by defeating rival Darrell Waltrip, two-time defending champion from neighboring Tennessee, in the last race of the season; and

WHEREAS, this "Allison Boy" has won over \$600,000 during the 30-race season, and stands to gain nearly \$750,000 more in cash and benefits from the national championship; and

WHEREAS, he is now third, behind Richard Petty and David Pearson, on NASCAR's all-time win list with 79 victories, including six this year; and

WHEREAS, Bobby Allison was recently chosen by the Alabama Sports Hall of Fame for induction in 1984, the first race driver to be so honored; and

WHEREAS, Bobby, along with brother Donny Allison, and close friend Neil Bonnet, have become known as the "Alabama Gang" in racing circles, giving the state favorable publicity nationwide; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mr. Bobby Allison on his grand achievement and outstanding career.

BE IT FURTHER RESOLVED, That Mr. Bobby Allison receive a copy of this resolution so that he may know of our high esteem.

Which was read and referred to the Standing Committee on Rules.

### BILLS ON THIRD READING

#### The Bill:

H. 17. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (b) to pay four-tenths of the road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (c) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain county facilities (as defined herein), to be secured by a pledge of (i) one-half of the said special ad valorem tax, (ii) four-tenths of said road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, and (iii) such other taxes levied by Randolph County as the governing body of Randolph County shall determine; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternative method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

was read a third time at length as required by the constitution and passed.

Yeas 25; Nays 0.

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*Yeas:*

<b>Senators:</b>	<b>Cabaniss</b>	<b>Figures</b>	<b>Mitchem</b>
<b>Amari</b>	<b>Cooley</b>	<b>Foshee</b>	<b>Parsons</b>
<b>Bailey</b>	<b>Corbett</b>	<b>Hand</b>	<b>Pearson</b>
<b>Barron</b>	<b>Denton</b>	<b>Holmes</b>	<b>Sanders</b>
<b>Bedsole</b>	<b>Dial</b>	<b>Little</b>	<b>Strong</b>
<b>Bennett</b>	<b>Drinkard</b>	<b>Menton</b>	<b>Teague</b>
<b>Bishop</b>	<b>Ellis</b>		

—25

*Nays:* —0

**The Bill:**

H. 5. Relating to Morgan County; amending further Sections 3, 5, 7, 8, 9, 10, 13, 14 and 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), as amended, creating the Municipal Utilities Board of Decatur, so as to provide further for the organization, membership, administration and general operations of such board and the compensation of the members of such board and to repeal Sections 17 and 19 of said Act, as amended.

was read a third time at length and passed.

**Yeas 25; Nays 0.**

*Yeas:*

<b>Senators:</b>	<b>Bishop</b>	<b>Foshee</b>	<b>Mitchem</b>
<b>Aldridge</b>	<b>Cooley</b>	<b>Goodwin</b>	<b>Parsons</b>
<b>Amari</b>	<b>Denton</b>	<b>Hand</b>	<b>Pearson</b>
<b>Bailey</b>	<b>Dial</b>	<b>Holmes</b>	<b>Sanders</b>
<b>Barron</b>	<b>Drinkard</b>	<b>Little</b>	<b>Strong</b>
<b>Bedsole</b>	<b>Ellis</b>	<b>Menton</b>	<b>Teague</b>
<b>Bennett</b>	<b>Figures</b>		

—25

*Nays:* —0

**The Bill:**

H. 14. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the board will be the same as the Election Districts for the County Commission.

was read a third time at length and passed.

**Yeas 25; Nays 0.**

*Yeas:*

<b>Senators:</b>	<b>Bishop</b>	<b>Figures</b>	<b>Mitchem</b>
<b>Aldridge</b>	<b>Cooley</b>	<b>Foshee</b>	<b>Parsons</b>
<b>Amari</b>	<b>Covington</b>	<b>Hand</b>	<b>Pearson</b>
<b>Bailey</b>	<b>Denton</b>	<b>Holmes</b>	<b>Sanders</b>
<b>Barron</b>	<b>Dial</b>	<b>Little</b>	<b>Strong</b>
<b>Bedsole</b>	<b>Drinkard</b>	<b>Menton</b>	<b>Teague</b>
<b>Bennett</b>	<b>Ellis</b>		

—25

*Nays:* —0

## The Bill:

H. 15. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Senators:	Bishop	Figures	Mitchem	
Aldridge	Cooley	Foshee	Parsons	
Amari	Covington	Hand	Pearson	
Bailey	Denton	Holmes	Sanders	
Barron	Dial	Little	Strong	
Bedsole	Drinkard	Menton	Teague	
Bennett	Ellis			—25

## Nays:

—0

## The Bill:

H. 27. To amend Title 12-13-41, describing the duties of the Probate Judges generally, Code of Alabama 1975 so as to allow the Probate Judge of Elmore County, Alabama to have one general index book relative to transactions in the Probate Office of Elmore County.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Senators:	Bishop	Foshee	Parsons	
Aldridge	Cooley	Hand	Pearson	
Amari	Corbett	Langford	Sanders	
Bailey	Denton	Little	Smith (B)	
Barron	Dial	Menton	Smith (J)	
Bedsole	Ellis	Mitchem	Teague	
Bennett	Figures			—25

## Nays:

—0

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. J. R. 25. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business



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taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the Third Special Session of 1983 only:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 21	Birmingham School of Law	7
H. B. 10	Legislative offices	1
H. B. 28	Nondriver identification	1
H. B. 23	House Districts 26 and 25	2
H. B. 20	to prov. for a gen. state wide adv. public referendum	2
H. B. 2	City Councils, mtg.	2
H. B. 7	Swine Disease	3
H. B. 11	Vending Machines	3
H. B. 16	State General Fund	4
H. B. 1	State Bd. of Medical Examiners	5
H. B. 22	Alabama Prison System	8

On motion of Senator Bishop, the Resolution was adopted by the Senate.

**BILL RECONSIDERED**

On motion of Senator Dial, the Senate reconsidered the vote by which the Bill, H. B. 17, was passed.

On motion of Senator Dial, the Senate reconsidered the vote by which the Bill, H. B. 17, was ordered to its third reading.

Senator Dial offered the following substitute for the Bill, H. B. 17, to-wit:

**SUBSTITUTE FOR H. B. 17**

**A BILL  
TO BE ENTITLED  
AN ACT**

To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (b) to pay four-tenths of the road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (c) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain county facilities (as defined herein), to be secured by a pledge of (i) one-half of the said special ad valorem tax, (ii) four-tenths of said road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, and (iii) such other taxes levied by Randolph County as the governing body of Randolph County shall determine; providing that none of the bonds or warrants shall be chargeable against the limi-

tation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternative method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is hereby proposed:

“(A) As used in this Amendment, the following terms shall be given the following respective meanings:

“Costs of County Facilities” means the costs of acquiring, providing, constructing and equipping new County Facilities, renovating, reconstructing, improving, enlarging or equipping any existing County Facilities or any combination thereof.

“County” means Randolph County, Alabama.

“County Facilities” means (a) any land, building, equipment and any other facility or facilities necessary or useful in the housing, confinement, detention, feeding, treatment, rehabilitation or training of persons held in lawful custody, and (b) any land, building, equipment or other facility useful as a county courthouse building.

“County Facilities Building Fund” means the County Facilities Building Fund to be established by the County pursuant to the provisions hereof for the purpose of receiving certain tax receipts required by the provisions hereof to be paid therein.

“Existing Ad Valorem Tax” means the two and one-half mill road, bridge and public building ad valorem tax authorized to be levied by the County pursuant to Section 215 of the Constitution.

“Related Securities” means any bonds or warrants, including refunding bonds or warrants, issued for purposes for which Securities may be issued hereunder after the effective date of this Amendment under the provisions of any other amendment to the Constitution or statute, provided that the governing body of the County in the proceedings authorizing the issuance of such bonds or warrants has pledged for the payment of such bonds or warrants those moneys required by the provisions hereof to be paid into the County Facilities Building Fund.

“Securities” means any bonds or warrants, including refunding bonds or warrants, issued by the County under the provisions of this Amendment.

“Special Ad Valorem Tax” means the special county hospital ad valorem tax authorized to be levied by the County pursuant to Amendment No. 72 to the Constitution.

“Special Taxes” means the Special Ad Valorem Tax and the Existing Ad Valorem Tax.

(B) The County is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, one-half of the tax receipts derived from the levy of the Special Ad Valorem Tax into the County Facilities Building Fund. The County shall discontinue paying such tax receipts into the County Facilities Building Fund when all of the Securities issued hereunder and any Related Se-

curities issued by the County have been paid in full, or when the County shall have expended the sum of \$1,500,000 out of the County Facilities Building Fund to pay Costs of County Facilities, whichever shall last occur.

(C) The County is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, four-tenths of the tax receipts derived by the County from the levy of the Existing Ad Valorem Tax into the County Facilities Building Fund. The County shall discontinue paying such tax receipts into the County Facilities Building Fund when all of the Securities issued hereunder and any Related Securities issued by the County have been paid in full, or when the County shall have expended the sum of \$1,500,000 out of the County Facilities Building Fund to pay Costs of County Facilities, whichever shall last occur.

(D) The County is hereby authorized and directed to establish the County Facilities Building Fund for the purpose of receiving the moneys required to be paid therein by the provisions hereof and any other tax receipts or other moneys of the County that the County may determine to pay therein. Funds on deposit in the County Facilities Building Fund shall be used to pay Costs of County Facilities, up to an amount not exceeding \$1,500,000, and to pay principal of and interest and premium, if any, on (1) Securities issued hereunder to finance Costs of County Facilities and (2) Related Securities issued to finance Costs of County Facilities.

(E) The County is hereby authorized to sell and issue from time to time its Securities, not exceeding \$1,500,000 in aggregate principal amount, for the purpose of financing Costs of County Facilities and to pledge for payment of the Securities the portions of the Special Taxes required to be paid into the County Facilities Building Fund.

For the purpose of refunding any Securities, including refunding Securities issued under the provisions of this Amendment, whether the refunding shall occur before, at or after the maturity of the Securities refunded and for the purpose of paying all premiums and expenses of the refunding (including, without limitation, attorneys' fees, costs of printing the refunding Securities, fiscal agents' fees, and accountants' fees), the County is hereby authorized to sell and issue from time to time refunding Securities in an aggregate principal amount not exceeding the sum of (a) the outstanding principal amount of the Securities to be refunded, (b) the interest (accrued or to accrue) to the respective maturities of the Securities to be refunded, or if the Securities to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the Securities to be refunded to the date or dates on which they are to be called for redemption, (c) the amount of any redemption premium required, by the terms of the Securities, to be paid as a condition to their redemption prior to their respective maturities, and (d) the amount of any expenses (actual or estimated) of such refunding.

The Securities issued hereunder may but need not be general obligations of the County, but shall be secured by the portions of the Special Taxes pledged for their payment in the proceedings of the County whereunder the Securities are authorized to be issued and required to be paid into the County Facilities Building Fund.

All Securities issued under this Amendment may be in such form and denominations and of such tenor and maturities, may bear interest at such

rate or rates, payable at such time or times, not exceeding thirty (30) years from their date, may be sold at public or private sale and may contain such provisions not inconsistent with this Amendment as shall be provided in the proceedings of the governing body of the County whereunder such Securities are authorized to be issued. The power to pay, as required herein, the portions of the Special Ad Valorem Tax and the Existing Ad Valorem Tax into the County Facilities Building Fund and the power to issue the Securities shall be in addition to all other powers which the County may have under this Constitution and the laws of Alabama. The indebtedness evidenced by the Securities issued under this Amendment shall be in addition to all other indebtedness authorized to be incurred by the County and shall not be charged against the limitation on the indebtedness of the County provided for in Section 224 of the Constitution.

(F) The County is hereby authorized to pledge for payment of principal of and interest (and premium, if any) on Related Securities the portions of the Special Taxes required to be paid into the County Facilities Building Fund.

(G) It is the intention hereof that the governing body of the County shall pay one-half of the revenues from the Special Ad Valorem Tax and four-tenths of the revenues from the Existing Ad Valorem Tax (subject only to prior pledges of and agreements pertaining to either thereof) as shall, together with any other moneys paid into the County Facilities Building Fund, be sufficient to provide funds to make available County Facilities for the County, either directly through payment of Costs of County Facilities or through payment of the principal of and interest (and premium, if any) on the Securities authorized to be issued hereunder and on any Related Securities that may be issued by the County for the purpose of paying Costs of County Facilities, all to the end that adequate County Facilities will be available in the County. Proceeds of the Special Taxes paid in the County Facilities Building Fund that are not needed within 12 months of the date of such payment to pay principal of and interest on Securities issued hereunder or on Related Securities or to refund Securities shall be used to pay costs of constructing and maintaining the County Facilities herein provided for, or to purchase and retire Securities or Related Securities or to call Securities or Related Securities for redemption prior to the maturity thereof.

(H) The provisions of this Amendment shall be self-executing, and authorization from or any other action by the Legislature shall not be a prerequisite to the issuance of the Securities hereunder or to the use of the proceeds of the Special Taxes as provided herein; provided, however, that the provisions of this Amendment shall not become operative unless approved by a majority of the qualified electors of the County who vote thereon at a referendum election held for such purpose upon the call of the the County Commission, and provided further, that if this amendment is approved by the qualified electors of the County who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called.

(I) It is hereby specifically declared that this Amendment is not being proposed pursuant to the provisions of that certain amendment to the Constitution (known as Amendment No. 425) that was proposed by Act No. 82-330 adopted at the 1982 Regular Session of the Legislature of Alabama, and provisions of the said Amendment 425 are hereby declared to be inapplicable to this Amendment.

Section 2. An election upon the proposed amendment is ordered to be

held at the first statewide primary, general or special election after the expiration of three (3) months from the final adjournment of the session of the Legislature at which this bill is enacted. The election shall be held in accordance with the provisions of Section 284, as amended, and Section 285 of the Constitution of Alabama of 1901 and Title 17, Chapter 17, Code of Alabama of 1975.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in every county in the state for four successive weeks next preceding the day herein appointed, in a newspaper published in each such county; provided that in any county in which there may be no newspaper published, the proclamation shall be published by posting, for a period of not less than four consecutive weeks next preceding the day so appointed, a copy of the said proclamation at each courthouse in the said county. A newspaper shall be deemed to be published in a county, within the meaning of this section, if its principal editorial office is located in that county.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Mitchem	
Aldridge	Cooley	Goodwin	Parsons	
Amari	Corbett	Hand	Pearson	
Bailey	Dial	Holmes	Sanders	
Barron	Drinkard	Little	Strong	
Bedsole	Ellis	Menton	Teague	
Bennett	Figures			—25

Nays: —0

And said Bill, H. B. 17, as thus amended by the substitute, was again read at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Mitchem	
Aldridge	Cooley	Goodwin	Parsons	
Amari	Corbett	Hand	Pearson	
Bailey	Dial	Holmes	Sanders	
Barron	Drinkard	Little	Strong	
Bedsole	Ellis	Menton	Teague	
Bennett	Figures			—25

Nays: —0

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 28. AMENDING ACT 79-816, SJR 172 (Acts of 1979, p. 1515) AS AMENDED SO AS TO ADD TWO MEMBERS.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**SPECIAL ORDER  
BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 21. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

And said Bill, H. B. 21, was read a third time at length and passed.

Yeas 23; Nays 3.

*Yeas:*

Senators:	Cooley	Foshee	Mitchem	
Amari	Corbett	Goodwin	Parsons	
Bailey	Covington	Hand	Pearson	
Bennett	Denton	Hilliard	Sanders	
Bishop	Drinkard	Langford	Strong	
Cabaniss	Figures	Menton	Teague	—23

*Nays:* Senators: deGraffenried, Ellis and Holmes —3

*The Bill:*

H. 10. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside the Capitol.

was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Senators:	Cooley	Foshee	Mitchem	
Aldridge	Corbett	Goodwin	Parsons	
Amari	Covington	Hand	Smith (B)	
Bailey	Denton	Hilliard	Smith (J)	
Bedsole	Dial	Holmes	Strong	
Bennett	Drinkard	Little	Teague	
Cabaniss	Ellis	Menton		—26

*Nays:* —0

**RESOLUTION**

Senators Bailey and Covington offered the following Senate Joint Resolution, to-wit:

S. J. R. 26. HONORING MICKEY MOUSE FOR 55 YEARS OF

**MERRIMENT.**

WHEREAS, the Alabama Legislature notes that Daleville cable television is initiating the Disney channel on December 3, 1983; and

WHEREAS, for this occasion the original Mickey Mouse will be in the Daleville area on December 3; and

WHEREAS, in November, 1928 Walt Disney introduced Mickey Mouse to the world in "Steamboat Willy" which introduced cartoons with sound and the concept of making one cartoon for each movement; and

WHEREAS, during the last fifty-five years Mickey Mouse has contributed to the enjoyment, enchantment and merriment of millions around the globe; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we do congratulate the effervescent and timeless Mickey Mouse on his fifty-fifth birthday and thank him for all the joy, hilarity, and amusement he has brought into our lives over the years,

**BE IT FURTHER RESOLVED,** That we do extend our heartiest greetings and welcome to Mickey Mouse, as he visits ten of our southeastern counties in Southeast Alabama for the inauguration of the Disney channel in that area of our state.

**RESOLVED FURTHER,** That a copy of this resolution be presented to Mickey Mouse as a token of our esteem.

On motion of Senator Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

**BILLS ON THIRD READING RESUMED**

The Bill:

H. 28. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Senators:  
Aldridge  
Bedsole  
Bennett  
Bishop  
Cabaniss

Cooley  
Corbett  
Covington  
Dial  
Drinkard

Ellis  
Foshee  
Goodwin  
Hand  
Holmes

Little  
Mitchem  
Parsons  
Smith (B)  
Teague

—20

Nays:

—0

The Bill:

H. 23. To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cooley	Ellis	Mitchem
Aldridge	Corbett	Foshee	Parsons
Amari	Covington	Goodwin	Smith (B)
Bailey	deGraffenried	Hand	Smith (J)
Bedsole	Denton	Holmes	Strong
Bennett	Dial	Little	Teague
Cabaniss	Drinkard		

—25

*Nays:*

—0

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 2. JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA 1983.**

On motion of Senator Cooley, the Resolution was then concurred in and adopted by the Senate.

**RESOLUTIONS**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**S. R. 27. RESOLVED BY THE SENATE** That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters after completion of consideration of bills on S. R. 25 for the fifth legislative day of the 1983 Third Special Session only:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 18	Jails, inmates to reimburse	7

On motion of Senator Bishop, the Resolution was adopted by the Senate.

Senator Bailey offered the following Senate Joint Resolution, to-wit:

**S. J. R. 28. TO AMEND AND REENACT ACT NO. 79-43, HJR 19 OF THE FIRST SPECIAL SESSION 1979 (ACTS 1979, PAGE 61) WHICH RELATES TO THE CREATION OF A CONTINUING JOINT COMMITTEE ON AGRICULTURE, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED ANNUAL EXPENDITURES OF THE COMMITTEE.**

**"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there shall be a joint study committee on agriculture, which shall be a continuing committee to make a study of the condition of agriculture and conservation in the state, hold hearings and inquire into ways and means of improving conditions in the field of agriculture and conservation in the state. The committee shall make a report to the legislature before the 25th legislative day of all future regular sessions of the legislature.

**"BE IT FURTHER RESOLVED,** That the committee shall consist of



the members of the House Committee on Agriculture, and Forestry and the Senate Committee on Agriculture, Conservation and Forestry and certain members of the Legislature, as appointed by the Speaker of the House and the Lieutenant Governor. The chairman of the Senate Committee on Agriculture, Conservation and Forestry shall serve as the Chairman of this committee, and the Chairman of the House Committee on Agriculture and Forestry shall serve as Vice-Chairman. The chairman of the committee shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. The total expenditures of the committee shall not exceed ten thousand dollars per year, inclusive of per diem legislative pay and travel expenses, provided no member shall be paid for any day that they do not meet. Any out-of-state travel must be approved by the Governor. The Secretary of the Senate shall provide secretarial and stenographic assistance and postage as required. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature."

Which was read and referred to the Standing Committee on Rules.

### **BILLS ON THIRD READING RESUMED**

The Bill:

H. 20. To provide for a general statewide advisory public referendum. This bill advisory provides for a public referendum vote by all qualified electors of the State of Alabama, for the purpose of providing the Legislature with the "sense of the public" with regard to matters relating to the advisability or acceptability of additional revenue or taxation matters for the purpose of providing more and/or expanded correctional facilities.

was taken up.

Senator Goodwin offered the following substitute for the Bill, H. B. 20, to-wit:

### **SUBSTITUTE FOR H. B. 20**

#### **A BILL TO BE ENTITLED AN ACT**

To provide for a general statewide advisory public referendum. To provide for an advisory public referendum vote by all qualified electors of the State of Alabama, for the purpose of providing the Legislature with the "sense of the public" with regard to matters relating to the advisability or acceptability of additional revenue or taxation matters for the purpose of providing more and/or expanded correctional facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. There currently exists an urgent situation in the State of Alabama, with regard to prison/correctional facilities and the incapability of current facilities to adequately accommodate those persons who have been found guilty of crimes and sentenced to imprisonment and/or those persons who, based on current projections, will be found guilty of criminal activity and be sentenced to prison terms. This problem/situation is further complicated by existing federal court orders which require the State to prevent overcrowding in prison/correctional facilities, to house, maintain, and care for institutionalized criminals according to certain established standards,

and which prohibit the housing of state prisoners in city or county jails, for unreasonable periods of time.

Section 2. The Legislature, in light of the urgency and complexity of this situation and in light of the apparent necessity for additional revenues to be provided, if, in fact, the people of the State of Alabama wish for all current and future criminals sentenced to prison terms to serve their full terms, be it appropriate to seek and receive, by a referendum vote of the people, the advice and intention of the people with regard to these matters.

Section 3. It is intended that this advisory referendum be placed before the qualified electors of this State, for vote, at the time of the next general election in the State of Alabama, which is contemplated to be in March of 1984, when the presidential primary election is to be placed before the people. There shall be no requirement of legal publication of this advisory referendum. The costs of this advisory referendum vote shall be paid in accordance with State law as it applies to other elections.

Section 4. The question to be presented to the qualified electors of this State for their vote in this advisory referendum shall be:

"Do you support action by the Legislature of the State of Alabama, which said Legislature deems necessary and appropriate to adequately provide for the housing, care, custody, and control of convicted criminals sentenced to prisons, to the extent necessary to meet federal court orders and constitutional requirements, including new and/or expanded prison facilities even though such legislative action will require additional taxation?"

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 5. Relating to Morgan County; amending further Sections 3, 5, 7, 8, 9, 10, 13, 14 and 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), as amended, creating the Municipal Utilities Board of Decatur, so as to provide further for the organization, membership, administration and general operations of such board and the compensation of the members of such board and to repeal Sections 17 and 19 of said Act, as amended.

Also:

H. 14. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

Also:

H. 15. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to

provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

Also:

H. 27. To amend Title 12-13-41, describing the duties of the Probate Judges generally, Code of Alabama 1975 so as to allow the Probate Judge of Elmore County, Alabama to have one general index book relative to transactions in the Probate Office of Elmore County.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 10. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

Also:

H. 21. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

Also:

H. 23. To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

Also:

H. 28. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF H. B. 20**

The Senate proceeded to further consideration of the Bill, H. B. 20. The question was on the substitute offered by Senator Goodwin.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 21. CREATING THE CULLMAN COUNTY ELECTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 22. MOURNING THE DEATH OF MRS. MARTHA LORRAINE SYKES HAMILTON OF MOBILE, ALABAMA.

Also:

S. J. R. 23. COMMENDING THE HARTSELLE FIREFIGHTERS ON THEIR RECENT NOMINATION FOR THE 1983 PRESIDENT'S VOLUNTEER ACTION AWARD.

Also:

S. J. R. 26. HONORING MICKEY MOUSE FOR 55 YEARS OF MERRIMENT.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 17. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (b) to pay four-tenths of the road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (c) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain county facilities (as defined herein), to be secured by a pledge of (i) one-half of the said special ad valorem tax, (ii) four-tenths of said road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, and (iii) such other taxes levied by Randolph

County as the governing body of Randolph County shall determine; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternative method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTIONS

Senator Smith (J) offered the following Senate Resolution, to-wit:

**S. R. 29. COMMENDING MR. BILLY JOE CAMP FOR HIS SUPPORTIVE EFFORT ON BEHALF OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.**

WHEREAS, Mr. Billy Joe Camp, Press Secretary to Governor George C. Wallace, was tireless in his support and effort in helping to effect passage of the 1983 Comprehensive Kindergarten Act; and

WHEREAS, a priority goal of the Administration was to provide a full-time Kindergarten experience for each and every child in Alabama, and Mr. Camp's role in achieving this end is to be acknowledged as instrumental; and

WHEREAS, a positive future for Alabama's kindergarten program is now assured and Mr. Camp is to be commended for his forceful participation in the passage of this Act; now therefore,

**BE IT RESOLVED BY THE ALABAMA SENATE,** That we hereby express warmest praise and regard for Mr. Billy Joe Camp and for his vital role in the attainment of the 1983 Comprehensive Kindergarten Act.

**BE IT FURTHER RESOLVED,** That Mr. Camp receive a copy of this resolution tendered in deep gratitude for outstanding service on behalf of the children in Alabama.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

**S. R. 30. COMMENDING MR. FERRELL PATRICK FOR HIS SUPPORTIVE EFFORT ON BEHALF OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.**

WHEREAS, Mr. Ferrell Patrick, Confidential Assistant to Governor George C. Wallace, was tireless in his support and effort in helping to effect passage of the 1983 Comprehensive Kindergarten Act; and

WHEREAS, a priority goal of the Administration was to provide a full-time Kindergarten experience for each and every child in Alabama, and Mr. Patrick's role in achieving this end is to be acknowledged as instrumental; and

WHEREAS, a positive future for Alabama's kindergarten program is now assured and Mr. Patrick is to be commended for his forceful participation in the passage of this Act; now therefore,

**BE IT RESOLVED BY THE ALABAMA SENATE,** That we hereby express warmest praise and regard for Mr. Ferrell Patrick and for his vital

role in the attainment of the 1983 Comprehensive Kindergarten Act.

BE IT FURTHER RESOLVED, That Mr. Patrick receive a copy of this resolution tendered in deep gratitude for outstanding service on behalf of the children in Alabama.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

**S. R. 31. COMMENDING MR. ELVIN STANTON FOR HIS SUPPORTIVE EFFORT ON BEHALF OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.**

WHEREAS, Mr. Elvin Stanton, Executive Secretary to Governor George C. Wallace, was tireless in his support and effort in helping to effect passage of the 1983 Comprehensive Kindergarten Act; and

WHEREAS, a priority goal of the Administration was to provide a full-time Kindergarten experience for each and every child in Alabama, and Mr. Stanton's role in achieving this end is to be acknowledged as instrumental; and

WHEREAS, a positive future for Alabama's kindergarten program is now assured and Mr. Stanton is to be commended for his forceful participation in the passage of this Act; now therefore,

BE IT RESOLVED BY THE ALABAMA SENATE, That we hereby express warmest praise and regard for Mr. Elvin Stanton and for his vital role in the attainment of the 1983 Comprehensive Kindergarten Act.

BE IT FURTHER RESOLVED, That Mr. Stanton receive a copy of this resolution tendered in deep gratitude for outstanding service on behalf of the children in Alabama.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

**S. R. 32. COMMENDING GOVERNOR GEORGE C. WALLACE FOR HIS SUPPORT OF AND INSTRUMENTAL EFFORTS ON BEHALF OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.**

WHEREAS, Act 83-760, S.B. 2, of the 1983 Regular Session, titled the 1983 Comprehensive Kindergarten Act, is of historic significance in its positive impact on future generations of Alabama's youth; and

WHEREAS, our State's kindergarten program will now provide for each and every child in Alabama a sound foundation of readiness for grades 1-12; moreover, Act 83-760 provides a program whereby each child can attend a kindergarten on a fulltime basis as opposed to a half-day or alternate-semester schedule; and

WHEREAS, Governor George C. Wallace has long been an ardent advocate and spokesman for a comprehensive kindergarten program for the children of Alabama, and it is largely through his vigorous efforts that this new day has dawned in educational opportunity for the youth who are themselves our future; now therefore,

BE IT RESOLVED BY THE ALABAMA SENATE, That we herein express utmost commendation of Governor George C. Wallace for his foresight and concern, and for his personal involvement in the passage of the 1983 Comprehensive Kindergarten Act.

BE IT FURTHER RESOLVED, That Governor Wallace receive a copy of this resolution which we tender in gratitude and highest regard.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

S. R. 33. COMMENDING HOUSE SPEAKER TOM DRAKE FOR HIS SUPPORT OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

WHEREAS, the 1983 Comprehensive Kindergarten Act will provide a program whereby each child in Alabama can attend kindergarten on a full-time basis rather than on a half-day or alternate-semester schedule; and

WHEREAS, with the passage of this Act, all youngsters in our State are now assured of beginning their public school education on an equal basis with their classmates and with an equal opportunity for first-grade readiness and future educational achievement; and

WHEREAS, it is highly probable, however, that this Act might never have passed had it not been for such supporters as our colleague House Speaker Tom Drake whose vigorous efforts were directly responsible for the bill's swift passage through the House of Representatives; now therefore,

BE IT RESOLVED BY THE ALABAMA SENATE, That we hereby most highly commend House Speaker Tom Drake for his instrumental role in the passage of the 1983 Comprehensive Kindergarten Act, and direct that he receive a copy of this resolution in expression of our deep admiration and esteem.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

S. R. 34. COMMENDING REPRESENTATIVE TOM COBURN FOR HIS SUPPORT OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

WHEREAS, the 1983 Comprehensive Kindergarten Act will provide a program whereby each child in Alabama can attend kindergarten on a full-time basis rather than on a half-day or alternate-semester schedule; and

WHEREAS, with the passage of this Act, all youngsters in our State are now assured of beginning their public school education on an equal basis with their classmates and with an equal opportunity for first-grade readiness and future educational achievement; and

WHEREAS, it is highly probable, however, that this Act might never have passed had it not been for such supporters as our colleague Representative Tom Coburn whose vigorous efforts were directly responsible for the bill's swift passage through the House of Representatives; now therefore,

BE IT RESOLVED BY THE ALABAMA SENATE, That we hereby most highly commend Representative Tom Coburn for his instrumental role in the passage of the 1983 Comprehensive Kindergarten Act, and direct that he receive a copy of this resolution in expression of our deep admiration and esteem.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

S. R. 35. COMMENDING MR. BILL RUSHTON FOR HIS RE-

**CENT EFFORTS IN SECURING A WATER GRANT FOR PINEY RIDGE AND ELKMONT IN LIMESTONE COUNTY.**

WHEREAS, It is with a sense of deep gratitude that the Senate of the Alabama Legislature notes the assistance provided by Mr. Bill Rushton of the Governor's Office in recently obtaining a water grant for Piney Ridge and Elkmont in Limestone County; and

WHEREAS, Pure drinking water should be an inalienable and fundamental right of all the citizenry of Alabama and without the assistance of Bill Rushton one segment of our population would have been denied this right; and

WHEREAS, Some people in the area of Piney Ridge and the municipality of Elkmont are enjoying having running water for the first time in history; now therefore,

**BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA,** That we most highly commend Mr. Bill Rushton for his efforts in securing a water grant for the Piney Ridge and Elkmont areas in Limestone County.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be forwarded to Bill Rushton as evidence of our sincere and deep appreciation and warmest personal regard.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

**S. R. 36. COMMENDING MRS. SUE MCINNISH OF THE STATE PARENT TEACHERS ASSOCIATION.**

WHEREAS, it is with a sense of deep appreciation that the Alabama Senate notes the numerous contributions of Mrs. Sue McInnish, Executive Director of the State PTA; and

WHEREAS, Sue McInnish assisted immeasurably in the passage of the 1983 Comprehensive Kindergarten Act, which provides a program whereby each child in Alabama will be able to attend kindergarten on a fulltime basis; and

WHEREAS, She was instrumental in providing the members of both houses of the legislature with the knowledge necessary for them to ascertain the importance of this piece of legislation; and

WHEREAS, due to the efforts of Sue, future generations of children will benefit from the importance of attending kindergarten; now therefore,

**BE IT RESOLVED BY THE ALABAMA SENATE,** That we most highly commend Mrs. Sue McInnish, Executive Director of the State Parent Teachers Association for her assistance in the passage of the 1983 Comprehensive Kindergarten Act.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be forwarded to Sue McInnish as evidence of our sincere and deep appreciation and warmest personal regard.

Which was read and referred to the Standing Committee on Rules.

**FURTHER CONSIDERATION OF H. B. 20**

The Senate proceeded to further consideration of the Bill, H. B. 20. The question was on the substitute offered by Senator Goodwin.



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 2. To make a supplemental appropriation of \$78,000.00 to the Alabama Board of Nursing from the Alabama Board of Nursing Trust Fund for the fiscal year ending September 30, 1984.

Also:

S. 6. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and §34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Also:

S. 9. To provide for a supplemental appropriation for the use of the Legislature and the Legislative Reference Service.

Also:

S. 12. To provide for the 1983 Taxpayer Convenience Act, by amending Section 40-7-2.1, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 22. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

Also:

S. 23. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election

Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

JOHN W. PEMBERTON,  
Clerk.

### FURTHER CONSIDERATION OF H. B. 20

The Senate proceeded to further consideration of the Bill, H. B. 20. The question was on the substitute offered by Senator Goodwin.

On motion of Senator Goodwin, further consideration of the Bill, H. B. 20 and pending substitute, was postponed temporarily subject to the call of the Chair.

### BILLS ON THIRD READING RESUMED

#### The Bill:

H. 2. To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town; to establish an effective date.

was read a third time at length and passed.

Yeas 28; Nays 0.

#### Yeas:

Senators:	Covington	Foshee	Mitchem
Aldridge	deGraffenried	Goodwin	Parsons
Bailey	Denton	Hand	Sanders
Barron	Dial	Holmes	Smith (B)
Bedsole	Drinkard	Langford	Smith (J)
Bishop	Ellis	Little	Strong
Cabaniss	Figures	Menton	Teague
Cooley			

—28

#### Nays:

—0

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. R. C. "Red" Bamberg to the Board of Trustees of Auburn University.

On motion of Senator Bishop, the appointment of Mr. Bamberg was confirmed by the Senate.

Yeas 28; Nays 1.

#### Yeas:

Senators:	Bailey	Bedsole	Bishop
Aldridge	Barron	Bennett	Cabaniss

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Cooley	Ellis	Holmes	Pearson	
Covington	Foshee	Langford	Sanders	
deGraffenried	Goodwin	Menton	Smith (B)	
Denton	Hand	Mitchem	Smith (J)	
Dial	Hilliard	Parsons	Teague	
Drinkard				—28
Nay: Senator Little				—1

**RESOLUTIONS**

Senator Cooley offered the following Senate Joint Resolution, to-wit:

**S. J. R. 37. COMMENDING COACH JOE SHULTS OF CULLMAN, ALABAMA.**

WHEREAS, Coach Joe Shults has served as varsity Basketball Coach at Cullman's Fairview High School for fifteen years; and

WHEREAS, Coach Shults' phenomenal record at Fairview High stands at 289-112 with six county championships, three area championships and two regional crowns to his credit; and

WHEREAS, during Coach Shults' 20-year career, his record is 400-150, over all; and

WHEREAS, though his tenure at Fairview High School is distinguished in accomplishment, Coach Shults more importantly has served as both mentor and friend to the scores of students who have come under his tutelage for the past fifteen years; and

WHEREAS, indicative of the high regard in which Coach Shults is held is the recent naming of the Fairview High School Gymnasium in his honor during dedication ceremonies on November 13, 1983; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend Coach Joe Shults of Cullman, Alabama, on his outstanding career and further express our gratitude for his service to the students of Fairview High School.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be presented to Coach Shults in appreciation of his accomplishments and in expression of our esteem.

On motion of Senator Cooley, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Cooley then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 38. COMMENDING DR. W. CHARLES OLIVER, A RETIRING DISTRICT SUPERINTENDENT OF THE CHURCH OF THE NAZARENE.**

WHEREAS, Dr. W. Charles Oliver is a graduate of Bethany Nazarene College, Bethany, Oklahoma, in 1949, and was honored by Olivet Nazarene College, Kankakee, Illinois with the Doctor of Divinity degree in 1975; and

WHEREAS, he served his first pastorage in Texas City, Texas for six years during which time membership was increased over two hundred as well as a new church sanctuary and parsonage constructed; and

WHEREAS, he served one year in full time evangelism before ac-

cepting the pastorate of First Church of the Nazarene, Bradenton, Florida in 1956, and during his five years the congregation more than doubled in membership and finances; and

WHEREAS, twelve years to the month after accepting his first pastorate, he was appointed District Superintendent of the Mississippi District in May 1961, serving in this assignment for seven years; and

WHEREAS, he became superintendent of the Southwest Indiana District in September 1968 and during the nine years of leadership district growth reached 109 churches; and

WHEREAS, Dr. Oliver became District Superintendent of the Alabama District Church of the Nazarene in July 1977 and during his six years as superintendent in Alabama has supervised the organization of six new churches, in addition district giving has increased over one and one-half million dollars as well as substantial numerical and spiritual growth in all areas; and

WHEREAS, Dr. Oliver having served thirty-four years in the ministry, twenty-two years as a District Superintendent in the Church of the Nazarene, is a stalwart leader of men, an individual of compassion and is exemplary in character and spirit as a minister of God's Word; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. W. Charles Oliver of the Church of the Nazarene; we sincerely wish him well in all future endeavors, and express our sincere regard of his service for twenty-two years as a District Superintendent and direct that he receive a copy of this resolution in small token of our regard.

On motion of Senator Cooley, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Cooley, deGraffenried, Bishop, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Cabaniss, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 39. COMMENDING DR. WILLIAM R. BENNETT UPON HIS RETIREMENT FROM THE UNIVERSITY OF ALABAMA.

WHEREAS, the Alabama Legislature expresses utmost commendation of Dr. William R. Bennett upon his retirement from the University of Alabama, and as Director of the Center for International Trade for the State of Alabama; and

WHEREAS, Dr. Bennett has been associated with the University for some 35 years, 34 of which include teaching experience; he also has served as Director of the Graduate School of Business, as Associate Dean of the School of Commerce and Business Administration, and currently as professor of marketing and international business; and

WHEREAS, he further has served as Director of the Small Business and Development Center and the Center for International Trade for the State of Alabama; and

WHEREAS, a member of Beta Sigma Kappa professional fraternity and Omicron Delta Kappa honorary, Dr. Bennett additionally is a past president of the Southern Marketing Association, member of the Alabama

Export Council, and is a member of the board of directors of the Alabama World Trade Association which in 1980 honored him as Alabama World Trade Man of the Alabama World Trade Association; and

WHEREAS, Dr. Bennett, as the recognized authority in the field of international trade for the State of Alabama, has been instrumental in the tremendous strides made in this area which have so positively affected Alabama's economy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Dr. William R. Bennett for outstanding service both to the University of Alabama and to the entire State of Alabama as well; we further wish him every future success and direct that he receive a copy of resolution in token of our regard.

On motion of Senator Cooley, the Rules were suspended and the Resolution was adopted by the Senate.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 9. COMMENDING OUTFIELDER GARY REDUS OF THE CINCINNATI REDS.

On motion of Senator Cooley, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 29. COMMENDING MR. AND MRS. EVERETT SIMS ON THEIR 73RD WEDDING ANNIVERSARY.

Also:

H. J. R. 30. COMMENDING MR. AND MRS. JAMES H. BROCK ON THEIR 72ND WEDDING ANNIVERSARY.

Also:

H. J. R. 19. DESIGNATING A PORTION OF ALABAMA HIGHWAY 87 AS THE "SHERIFF NEIL GRANTHAM DRIVE."

Also:

H. J. R. 34. COMMENDING SMITH LAKE CIVIC ASSOCIATION.

Also:

H. J. R. 33. COMMENDING MR. AND MRS. CHARLIE HALLMAN OF GUNTERSVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTION TO JACKSONVILLE STATE UNIVERSITY.

On motion of Senator Cooley, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then

reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. J. R. 24. COMMENDING BOBBY ALLISON.**

On motion of Senator Cooley, the Resolution was then adopted by the Senate.

**RESOLUTION**

Senators Drinkard, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague offered the following Senate Joint Resolution, to-wit:

**S. J. R. 40. COMMEMORATING THE DEATH OF PRESIDENT JOHN FITZGERALD KENNEDY.**

WHEREAS, on November 22, 1963, our nation's beloved president, John Fitzgerald Kennedy, died at the hands of a fiendish assassin and thus our nation was plunged into utter darkness in its grief; and

WHEREAS, today, November 22, 1983, marks the 20th anniversary of this sorrowful date in our history, painfully bringing to mind the grief we shared then, and continue to share, with all our countrymen and, most particularly, with the family of President Kennedy; and

WHEREAS, it is fitting, on this date, that the Alabama Legislature stand with Alabamians and fellow Americans in tribute to the life of John Fitzgerald Kennedy who symbolized the hopes and dreams of a nation, and whose leadership was to the end of peace and progress for those he was chosen to lead; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do herein express great sadness in the death, on November 22, 1963, of President John F. Kennedy and direct that copies of this resolution be forwarded to the Kennedy family who continues in our thoughts and prayers.

On motion of Senator Drinkard, the Rules were suspended and the Resolution was adopted by the Senate.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Homajean Grisham to the State Forestry Commission.

On motion of Senator Denton, the appointment of Mr. Grisham was confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Senators:	Aldridge	Bailey	Barron
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Bedsole	deGraffenried	Goodwin	Sanders	
Bennett	Denton	Hand	Smith (B)	
Bishop	Dial	Hilliard	Smith (J)	
Cabaniss	Ellis	Holmes	Strong	
Cooley	Figures	Little	Teague	
Corbett	Foshee	Parsons		—26

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Grover A. Gibbs to the State Forestry Commission.

On motion of Senator Denton, the appointment of Mr. Gibbs was confirmed by the Senate.

Yeas 29; Nays 0.

*Yeas:*

Senators:	Cabaniss	Figures	Menton	
Aldridge	Cooley	Goodwin	Mitchem	
Amari	Corbett	Hand	Parsons	
Bailey	Covington	Hilliard	Pearson	
Barron	deGraffenried	Holmes	Sanders	
Bedsole	Denton	Langford	Smith (B)	
Bennett	Drinkard	Little	Smith (J)	
Bishop	Ellis			—29

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable Frank Ellis to the Board of Trustees of the University of Montevallo.

On motion of Senator Denton, the appointment of Mr. Ellis was confirmed by the Senate.

Yeas 29; Nays 0.

Abstaining 1.

*Yeas:*

Senators:	Cabaniss	Figures	Menton	
Aldridge	Cooley	Goodwin	Mitchem	
Amari	Corbett	Hand	Parsons	
Bailey	Covington	Hilliard	Pearson	
Barron	deGraffenried	Holmes	Sanders	
Bedsole	Denton	Langford	Smith (B)	
Bennett	Dial	Little	Smith (J)	
Bishop	Drinkard			—29

*Nays:* —0

*Abstaining:* Senator Ellis —1

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. J. R. 6. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE TENNESSEE-TOMBIGBEE WATERWAY.**

On motion of Senator Denton, the Resolution was then adopted by the Senate.

### **BILLS ON THIRD READING RESUMED**

The Bill:

H. 7. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Menton
Aldridge	Corbett	Goodwin	Mitchem
Amari	Covington	Hand	Pearson
Bailey	deGraffenried	Hilliard	Sanders
Barron	Denton	Holmes	Smith (B)
Bedsole	Dial	Langford	Smith (J)
Bennett	Ellis	Little	Teague
Cabaniss	Figures		

—29

Nays:

—0

The Bill:

H. 11. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 11, to-wit:

### **AMENDMENT TO H. B. 11**

In Section 1 of the quoted Section 40-12-176(p), on page 6, after line 14, delete the following underlined language:

"It is further provided that any fees, penalties, fines or other collections made by the revenue department upon owners of coin-operated or self-service laundries prior to the date of this amendatory act shall be returned in full to such owners."

On motion of Senator Cabaniss, further consideration of the Bill, H. B. 11, and pending amendment, was postponed temporarily.



The Bill:

H. 16. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for payment of Attorney General's fine as assessed by Federal Court; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 16, to-wit:

**AMENDMENT TO H. B. 16**

Amend House Bill 16 on page 1, lines 10 and 11 by deleting the words "for payment of Attorney General's fine as assessed by Federal Court;"

Further amend House Bill 16 on page 1, lines 22 and 23 by deleting the words "for payment of Attorney General's fine as assessed by Federal Court;"

Further amend House Bill 16 on page 2 by deleting lines 2-4 in their entirety.

Further amend House bill 16 on page 2 by deleting "(d)" on line 5 and inserting in lieu thereof "(c)".

Further amend House Bill 16 on page 2 by deleting lines 15-18 in their entirety and inserting in lieu thereof the words "(To be conditioned on the availability of funds and the approval of the Governor.)".

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Little	
Aldridge	deGraffenried	Goodwin	Menton	
Bailey	Dial	Hand	Mitchem	
Barron	Drinkard	Hilliard	Sanders	
Bedsole	Ellis	Holmes	Smith (J)	
Bennett	Figures	Langford	Strong	—23

Nays: —0

And said Bill, H. B. 16, as thus amended, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Parsons	
Aldridge	Corbett	Hand	Sanders	
Bailey	Covington	Hilliard	Smith (B)	
Barron	deGraffenried	Holmes	Smith (J)	
Bedsole	Denton	Langford	Strong	
Bennett	Dial	Little	Teague	
Cabaniss	Foshee	Mitchem		—26

Nays: —0

The Bill:

H. 1. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and §34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Senators:	Cooley	Hand	Sanders	
Bailey	Corbett	Holmes	Smith (B)	
Barron	Denton	Little	Smith (J)	
Bedsole	Figures	Menton	Strong	
Bennett	Foshee	Mitchem	Teague	
Cabaniss	Goodwin			—21

Nays: —0

### FURTHER CONSIDERATION OF H. B. 11

The Senate proceeded to further consideration of the Bill, H. B. 11. The question was on the Committee amendment.

On motion of Senator Foshee, said amendment was laid on the table.

Senator Foshee then offered the following amendment to the Bill, H. B. 11, to-wit:

### AMENDMENT TO H. B. 11

Amend H. B. 11 Page 6 Line 18, by inserting Section 3.

The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Menton	
Aldridge	Cooley	Foshee	Mitchem	
Bailey	Corbett	Hand	Smith (B)	
Barron	Covington	Holmes	Smith (J)	
Bedsole	deGraffenried	Langford	Strong	
Bennett	Denton	Little	Teague	—23

Nays: —0

And said Bill, H. B. 11, as thus amended, was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Parsons
Aldridge	Covington	Hand	Pearson
Bailey	deGraffenried	Hilliard	Sanders
Barron	Denton	Holmes	Smith (B)
Bedsole	Dial	Langford	Smith (J)
Bennett	Drinkard	Little	Strong
Cabaniss	Ellis	Mitchem	Teague
Cooley			

—28

Nays: —0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the House Joint Resolution:

H. J. R. 12. TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

Said Governor's Message being in words and figures as follows, to-wit:

### MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace, returning to you, the house from which it originated, House Joint Resolution # 12, without the Governor's signature and approval but with the following suggested Executive Amendment.

Done this 22nd day of November, 1983.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

### MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning herewith, to you, the body in which it originated, House Joint Resolution # 12, without my signature and approval, but with a suggested Executive Amendment, which would make this bill acceptable to me.

I am making this Executive Amendment to this joint resolution based upon the following considerations:

This joint resolution was passed by both houses of the Legislature with almost unanimous vote. Since the joint resolution was delivered to my office last Thursday I have had considerable opportunity to hear the personal sen-

timents of individual legislators and to receive from the leaders of both houses of the Legislature a consensus of opinion from the two houses. If I chose to veto this joint resolution it would be a popular political gesture that would be applauded by the general public, many of whom have urged a veto. On the other hand, I have determined that such veto, on my part, would be a futile and unrealistic gesture. I am satisfied that such veto would be overridden in both houses of the Legislature, which would result in no monetary savings to the State over the next three years. On the other hand, by making an adjustment in the resolution which will have the affect of reducing the rate of pay to a level which I believe the individual Legislators will feel is reasonably acceptable. Hopefully the Legislature will approve this reduction and a savings will result to the State of Alabama in the amount of approximately \$518,000 over the next three years.

I would again urge the Legislature to consider, as statesmen, my recommendation that they submit to a vote of the people, a proposal for biennial sessions of the Legislature. My reasons for this are simple. It could result in a savings to the State of Alabama that has been approximated somewhere between \$8,000,000 and \$10,000,000, which in turn might solve Alabama's problem with Medicaid funding.

For the reasons stated above, and for other related reasons, I offer the following Executive Amendment:

#### **EXECUTIVE AMENDMENT TO H. J. R. # 12**

Amend H. J. R. # 12, paragraph 2, line 22, by deleting the word "three" and by substituting therefore the word "two" and by deleting the figures "300.00" and substituting therefore the figures "200.00."

The adoption of the above and foregoing suggestive Executive Amendment will remove my objections to this Bill.

Done this 22nd day of November, 1983.

Respectfully,

GEORGE C. WALLACE,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the House Joint Resolution, by a vote of a majority of the whole number elected to the House, by voice Vote.

And said House Joint Resolution, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, adopted by Voice Vote.

And said House Joint Resolution, 12, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### **HOUSE AND GOVERNOR'S MESSAGE**

On motion of Senator Hilliard, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Resolution, H. J. R. 12, the title of which and said Executive Amendment are set out in the foregoing Message from the House.

Yeas 26; Nays 4.

Yeas:

Senators:	Cabaniss	Foshee	Pearson	
Aldridge	Corbett	Goodwin	Sanders	
Amari	Covington	Holmes	Smith (B)	
Bailey	Denton	Langford	Smith (J)	
Barron	Drinkard	Little	Strong	
Bedsole	Ellis	Mitchem	Teague	
Bennett	Figures	Parsons		—26

Nays: Senators: deGraffenried, Dial, Hand, Hilliard —4

which was a majority of the whole number elected to the Senate.

And said Resolution, H. J. R. 12, as thus amended by the Executive amendment, was again concurred in and adopted by the Senate.

Yeas 17; Nays 13.

Yeas:

Senators:	Corbett	Hilliard	Parsons	
Amari	Denton	Langford	Pearson	
Bailey	Figures	Little	Sanders	
Bedsole	Foshee	Menton	Teague	
Bennett	Goodwin			—17

Nays:

Senators:	deGraffenried	Hand	Smith (B)	
Barron	Dial	Holmes	Smith (J)	
Cabaniss	Drinkard	Mitchem	Strong	
Covington	Ellis			—13

which was a majority of the whole number elected to the Senate.

### RESOLUTION

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 41. RECOGNIZING PARTICIPANTS IN THE AUBURN UNIVERSITY BLOOD DRIVE AND ENCOURAGING LIKE PARTICIPATION, STATEWIDE.

WHEREAS, the students, faculty and staff of Auburn University are indeed to be commended for outstanding participation, through the years, in their Auburn campus blood drives; and

WHEREAS, the enthusiastic support of participants, for example, has on occasion produced in excess of 6,000 units of blood in a given year; and

WHEREAS, Auburn University also still holds the record for having coordinated the largest university blood drive in the entire United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of a demonstrated concern for hospitalized patients within our State and in praise of the caring attitude of the university segment of our citizenry, we do hereby most highly commend the students, faculty and staff of Auburn University for their extraordinary participation in campus blood drives.

BE IT FURTHER RESOLVED, That we would also encourage their continued support of this worthy cause and would challenge other groups throughout Alabama to join Auburn University in support of the American Red Cross blood drives.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 2. To make a supplemental appropriation of \$78,000.00 to the Alabama Board of Nursing from the Alabama Board of Nursing Trust Fund for the fiscal year ending September 30, 1984.

Also:

S. 6. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and §34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Also:

S. 9. To provide for a supplemental appropriation for the use of the Legislature and the Legislative Reference Service.

Also:

S. 12. To provide for the 1983 Taxpayer Convenience Act, by amending Section 40-7-2.1, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

Also:

S. 22. To amend Section 2 of Act No. 219, H. 463(1949 Regular Session)(Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

Also:

S. 23. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for

the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

Also:

S. J. R. 21. CREATING THE CULLMAN COUNTY ELECTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 22. MOURNING THE DEATH OF MRS. MARTHA LORRAINE SYKES HAMILTON OF MOBILE, ALABAMA.

Also:

S. J. R. 23. COMMENDING THE HARTSELLE FIREFIGHTERS ON THEIR RECENT NOMINATION FOR THE 1983 PRESIDENT'S VOLUNTEER ACTION AWARD.

Also:

S. J. R. 26. HONORING MICKEY MOUSE FOR 55 YEARS OF MERRIMENT.

CHARLES BISHOP,  
Chairperson.

### **SIGNING OF BILLS AND RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **BILLS ON THIRD READING RESUMED**

The Bill:

H. 22. To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, H. B. 22, to-wit:

### **COMMITTEE SUBSTITUTE FOR H. B. 22**

#### **A BILL TO BE ENTITLED AN ACT**

To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

Be It Enacted by the Legislature of Alabama:

Section 1. The short title of this act is THE INMATE COMMUNITY REINTEGRATION UNDER SIR ACT.

Section 2. As used in this act, the following words and phrases shall

have the following meanings, respectively, unless the context clearly indicates otherwise:

- (1) DEPARTMENT - The Department of Corrections
- (2) COMMISSIONER - The Commissioner of the Department of Corrections.
- (3) STATE CORRECTIONAL INSTITUTION - Any correctional institution under the jurisdiction of the department.
- (4) INMATE - A person, either male or female, who has been convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.
- (5) PROGRAM - Supervised Intensive Restitution (SIR) Program.

Section 3. In order to provide for the individual supervision and placement of an inmate in the community to obtain employment and place of residence in order to aid in the reintegration of the inmate into society, the department is authorized to adopt rules, regulations and policies permitting the commissioner to extend the limits of confinement of an inmate where there is reasonable cause to believe the inmate will honor the trust placed in such inmate by authorizing such inmate, under prescribed conditions, to leave a state correctional institution and reside in the community under the intensive supervision of a correctional officer in the community.

Section 4. The department may adopt regulations as to the eligibility of those inmates who are classified as minimum security risks for the extension of confinement. However, no inmate who has ever been convicted of a sex offense, child molestation, murder, kidnapping in the first degree, selling drugs, burglary in the first degree or robbery in the first degree shall be eligible for extension of confinement.

Section 5. Employees of the department are authorized to make investigations and recommendations concerning the suitability of certain inmates for the program and otherwise to assist the commissioner in the implementation of the program authorized by this act. Provided, however, before an inmate can come under the SIR program, the sentencing judge and district attorney shall be given ten (10) days written notice. If the district attorney so desires, he may notify the victim and, if the victim has received physical injury or bodily harm as a result of the offense, the district attorney or his assistant may represent the victim in communicating his or her objections to the commissioner of the Department of Corrections.

Section 6. When an inmate is placed in the supervised intensive restitution program, and has been ordered by a court of this state to make restitution to his victim, it shall be made a condition of his participation in the program that he make restitution payments to the victim until the court ordered restitution is paid in full. When such an inmate is placed in the program, the department will inform him of the court's imposition of restitution payments, and the supervising correctional officer will see that a schedule of payment of restitution is established and continued until paid in full.

Section 7. Each inmate participating in the program shall participate in a 40-hour workweek of paid private employment, public service work program, or a combination of both.

Section 8. The department is authorized to charge each inmate participating in the program a weekly amount for supervision costs, which shall



not exceed 25 percent of the adjusted gross weekly income of the inmate. Such sums shall be retained by the department and placed in a fund in the state treasury to defray the expense of administering this program and is hereby appropriated therefor.

Section 9. No inmate granted privileges under the provisions of this act shall be deemed to be an agent, employee, or involuntary servant of the department while involved in the free community or while going to and from employment or other specified areas.

Section 10. The commissioner shall prepare an annual report to be filed not later than 60 days following the close of each fiscal year with the Governor, the Lieutenant Governor, members of the legislature and the Legislative Budget Committee showing the operation and administration and suggestions as deemed advisable.

Section 11. The commissioner shall promote public understanding of the provisions of this act as well as encourage the cooperation of all state agencies involved in implementing the provisions of this act.

Section 12. The willful failure of an inmate to remain within the extended limits of the inmate's confinement, or to return within the time prescribed to the place of confinement designated by the commissioner, shall be deemed as an escape from the custody of the department and shall be punishable as prescribed by law.

Section 13. The Supervised Intensive Restitution (SIR) Program is hereby exempted from the Administrative Procedures Act.

Section 14. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. All laws or parts of laws which conflict with this act are hereby repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Cooley offered the following amendment to the committee substitute for the Bill, H.B. 22, to-wit:

#### **AMENDMENT TO COMMITTEE SUBSTITUTE FOR H. B. 22**

Amend Committee Substitute for H. B. 22 Page 4 line 18 by inserting a new Section 14 as follows:

Section 14. The provisions of this Act, and the activities herein authorized, shall be subject to the review and recommendations of an oversight committee which shall be composed of the Chief Examiner of Public Accounts, the State Finance Director, and the Chairman of the Permanent Legislative Committee on the Board of Corrections Management and Performance Evaluation as created by Act No. 76-84 of the Legislature of Alabama, as amended, which said committee shall continue and function for so long as the provisions of this Act are in effect.

and by renumbering the remaining Sections.

Which was adopted.

Senator Cooley then offered the following amendment to the committee substitute, as amended, for the Bill, H. B. 22, to-wit:

**AMENDMENT TO COMMITTEE SUBSTITUTE AS  
AMENDED FOR H. B. 22**

Amend Senate Judiciary Substitute to House Bill 22 by deleting Section 6 thereof in its entirety which begins on page 3, line 4 and continues on page 3 through line 14 inserting in lieu thereof the following:

**"SECTION 6.** When an inmate is placed in the supervised intensive restitution program, and has been ordered by a court of this state to make restitution to his victim, it shall be made a condition of his participation in the program that he make restitution payments to the victim until the restitution is paid in full. Where restitution to the victim has not been ordered by a court of this state as part of an inmate's sentence, the Commissioner may require, as a condition of the inmate's participation in the program, that the inmate agree to an amount of restitution to be paid to the victim through the circuit clerk of the county where the crime was committed which amount shall be set by the Commissioner. Any funds not paid out or which are unclaimed after twelve months shall be transferred by the circuit clerk having custody thereof to the State General Fund. The supervising correctional officer will see that a schedule of payment of restitution is established and continued until paid in full."

Which was adopted.

Senator Cooley then offered the following amendment to the committee substitute, as amended, for the Bill, H.B. 22, to-wit:

**AMENDMENT TO COMMITTEE SUBSTITUTE, AS  
AMENDED, FOR H. B. 22**

Amend Senate Committee Substitute to House Bill 22 as last amended and substituted on page 4, Section 12, line 11, before the word "return" by inserting the word:

"willfully"

To further amend H.B. 22 on page 4, line 12, after the word "commissioner" by inserting the words:

"or his agent"

To further amend H.B. 22 on page 4, line 13, by deleting the word "department" and inserting in lieu thereof the words:

"a penal facility"

Which was adopted.

Senator deGraffenried offered the following amendment to the committee substitute, as amended, for the Bill, H.B. 22, to-wit:

**AMENDMENT TO COMMITTEE SUBSTITUTE, AS  
AMENDED, FOR H. B. 22**

Amend Committee Substitute for H.B. 22 Page 4 Line 16, by striking out after the word hereby, The words "exempted from" and insert in lieu Thereof The following:

"subject to"

On motion of Senator Teague, said amendment was laid on the table.  
Yeas 18; Nays 6.

*Yeas:*

Senators:	Denton	Holmes	Smith (B)
Bailey	Drinkard	Langford	Smith (J)
Barron	Foshee	Little	Strong
Bennett	Goodwin	Mitchem	Teague
Covington	Hilliard	Pearson	

—18

*Nays:*

Senators:	Bedsole	Cooley	Hand
Aldridge	Cabaniss	deGraffenried	

—6

Senator Smith (J) offered the following amendment to the committee substitute, as amended, for the Bill, H.B. 22, to-wit:

**AMENDMENT TO COMMITTEE SUBSTITUTE, AS  
AMENDED, FOR H.B. 22**

In Section 4, page 2, delete lines 20 through 24 and insert in lieu thereof the following:

However, no inmate who has ever been convicted of murder, selling or trafficking controlled substances, any class A felony, assault in the first degree if permanent injury or disfigurement occurs to the victim, manslaughter, or sexual abuse in the first degree shall be eligible for extension of confinement.

On motion of Senator Teague, said amendment was laid on the table.

Yeas 15; Nays 7.

*Yeas:*

Senators:	Covington	Goodwin	Little
Amari	deGraffenried	Hilliard	Pearson
Bennett	Denton	Holmes	Strong
Corbett	Foshee	Langford	Teague

—15

*Nays:*

Senators:	Bedsole	Drinkard	Smith (B)
Aldridge	Cooley	Hand	Smith (J)

—7

Senator Aldridge offered the following substitute for the the committee substitute, as amended, for the Bill, H.B. 22, to-wit:

**SUBSTITUTE FOR COMMITTEE SUBSTITUTE, AS  
AMENDED, FOR H. B. 22**

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

Be It Enacted by the Legislature of Alabama:

Section 1. The short title of this act is THE INMATE COMMUNITY REINTEGRATION UNDER SIR ACT.

Section 2. As used in this act, the following words and phrases shall have the following meanings, respectively, unless the context clearly indi-

cates otherwise:

- (1) BOARD - Board of Pardon and Parole
- (2) STATE CORRECTIONAL INSTITUTION - Any correctional institution under the jurisdiction of the department.
- (3) INMATE - A person, either male or female, who has been convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.
- (4) PROGRAM - Supervised Intensive Restitution (SIR) Program.

Section 3. In order to provide for the individual supervision and placement of an inmate in the community to obtain employment and place of residence in order to aid in the reintegration of the inmate into society, the Board is authorized to adopt rules, regulations and policies permitting the Board to extend the limits of confinement of an inmate where there is reasonable cause to believe the inmate will honor the trust placed in such inmate by authorizing such inmate, under prescribed conditions, to leave a state correctional institution and reside in the community under the intensive supervision of a correctional officer in the community.

Section 4. The Board may adopt regulations as to the eligibility of those inmates who are classified as minimum security risks for the extension of confinement. However, no inmate who has ever been convicted of a sex offense, child molestation, murder, kidnapping in the first degree, selling drugs, burglary in the first degree or robbery in the first degree shall be eligible for extension of confinement.

Section 5. Employees of the Board are authorized to make investigations and recommendations concerning the suitability of certain inmates for the program and otherwise to assist the Board in the implementation of the program authorized by this act. Provided, however, before an inmate can come under the SIR program, the sentencing judge and district attorney shall be given ten (10) days written notice. If the district attorney so desires, he may notify the victim and, if the victim has received physical injury or bodily harm as a result of the offense, the district attorney or his assistant may represent the victim in communicating his or her objections to the Board.

Section 6. When an inmate is placed in the supervised intensive restitution program, and has been ordered by a court of this state to make restitution to his victim, it shall be made a condition of his participation in the program that he make restitution payments to the victim until the court ordered restitution is paid in full. When such an inmate is placed in the program, the Board will inform him of the court's imposition of restitution payments, and the supervising correctional officer will see that a schedule of payment of restitution is established and continued until paid in full.

Section 7. Each inmate participating in the program shall participate in a 40-hour workweek of paid private employment, public service work program, or a combination of both.

Section 8. The Board is authorized to charge each inmate participating in the program a weekly amount for supervision costs, which shall not exceed 25 percent of the adjusted gross weekly income of the inmate. Such sums shall be retained by the Board and placed in a fund in the state treasury to defray the expense of administering this program and is hereby appropriated therefor.

Section 9. No inmate granted privileges under the provisions of this act shall be deemed to be an agent, employee, or involuntary servant of the department while involved in the free community or while going to and from employment or other specified areas.

Section 10. The Board shall prepare an annual report to be filed not later than 60 days following the close of each fiscal year with the Governor, the Lieutenant Governor, members of the legislature and the Legislative Budget Committee showing the operation and administration and suggestions as deemed advisable.

Section 11. The Board shall promote public understanding of the provisions of this act as well as encourage the cooperation of all state agencies involved in implementing the provisions of this act.

Section 12. The willful failure of an inmate to remain within the extended limits of the inmate's confinement, or to return within the time prescribed to the place of confinement designated by the Board, shall be deemed as an escape from the custody of the department and shall be punishable as prescribed by law.

Section 13. The Supervised Intensive Restitution (SIR) Program is hereby exempted from the Administrative Procedures Act.

Section 14. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. All laws or parts of laws which conflict with this act are hereby repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Teague, said substitute was laid on the table.

Senator Aldridge then offered the following amendment to the committee substitute, as amended, for the Bill, H. B. 22, to-wit:

**AMENDMENT TO COMMITTEE SUBSTITUTE, AS  
AMENDED, FOR H. B. 22**

Amend Committee substitute, as amended, for H.B. No. 22 Page 1 Line 30, by inserting after the word "person" the following:

"who has served at least 90 days in a State penal facility"

Which was adopted.

Senator Smith (J) offered the following amendment No. 2 to the committee substitute, as amended, for the Bill, H. B. 22, to-wit:

**AMENDMENT TO COMMITTEE SUBSTITUTE, AS  
AMENDED, FOR H. B. 22**

Amend Senate Bill No. 22 on Page 2 Lines 20-24 by striking out lines 20-24 and by inserting in lieu thereof the following:

"However, no inmate who has ever been convicted of murder, kidnapping in the first degree, rape in the first degree, sodomy in the first degree, arson in the first degree, selling or trafficking in controlled substances, robbery in the first degree, burglary in the first degree, sexual abuse in the first degree or assault in the first degree if said assault leaves the victim perma-

nently disfigured or disabled."

Which was adopted.

Senator Dial offered the following amendment to the committee substitute, as amended, for the Bill, H. B. 22, to-wit:

**AMENDMENT TO COMMITTEE SUBSTITUTE, AS  
AMENDED, FOR H. B. 22**

Amend House Bill 22, Section 5, Page 2, Line 32 after the word "notice", by inserting the following and striking the remainder of the Section:

"Provided, however, before an inmate can come under the SIR program, the victim who has received physical injury or bodily harm as a result of the crime for which the inmate was incarcerated shall receive notice in the form of a letter from the District Attorney or prosecuting attorney at the last known address, one week prior to the inmate going on the SIR program. Provided, further, the District Attorney or prosecuting attorney involved in prosecution of said inmate shall receive written notice from the Department of Corrections in the form of a certified letter two weeks prior to the inmate going on the SIR program.

"If the victim has received physical injury or bodily harm as a result of the offense, the district attorney or his assistant may represent the victim in communicating his or her objections to the commissioner of the Department of Corrections."

Which was adopted.

And said committee substitute, as thus amended, was then adopted by the Senate.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton
Amari	Covington	Goodwin	Mitchem
Bailey	deGraffenried	Hand	Parsons
Bedsole	Denton	Hilliard	Smith (B)
Bennett	Dial	Holmes	Smith (J)
Bishop	Drinkard	Langford	Strong
Cabaniss	Ellis	Little	Teague
Cooley	Figures		

—29

Nays:

—0

And said Bill, H. B. 22, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 23; Nays 7.

Yeas:

Senators:	Corbett	Goodwin	Menton
Bailey	Covington	Hand	Mitchem
Bedsole	Denton	Hilliard	Sanders
Bennett	Ellis	Holmes	Smith (J)
Bishop	Figures	Langford	Strong
Cabaniss	Foshee	Little	Teague

—23

Nays:

Senators:	Amari	deGraffenried	Parsons	
Aldridge	Cooley	Drinkard	Smith (B)	—7

### RESOLUTION

Senator Amari offered the following Senate Resolution, to-wit:

S. R. 42. CONGRATULATIONS TO THE WATKINS FAMILY.

Which was adopted.

### SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to the second, special, paramount, and continuing order of business for today, which was the Bill:

H. 18. To provide that a convicted defendant in a misdemeanor case shall be required to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

Senator Drinkard offered the following substitute for the Bill, H. B. 18, to-wit:

### SUBSTITUTE FOR H. B. 18

#### A BILL TO BE ENTITLED AN ACT

To provide that certain convicted defendants in misdemeanor cases shall be required to pay certain court costs which shall be used to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

Be It Enacted by the Legislature of Alabama:

Section 1 (a)(1). A court shall require a convicted defendant in a misdemeanor case to pay housing, maintenance and medical costs associated with that defendant's incarceration in a county or city jail except as otherwise provided herein. Such costs shall not exceed twenty dollars (\$20.00) per day that the defendant has been incarcerated plus actual medical expenses incurred on behalf of the defendant. Such costs shall be taxed as costs of court and shall be in addition to any and all other costs of court.

(2) At the time of sentencing such defendant may petition the court for remission of the payment of these costs or of any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or his immediate family, the court may remit all or part of the amount due in such costs.

(3) In determining the amount and method of payment of these costs, the court shall take into account the financial resources of the defendant and the nature of the burden that payment of the costs will impose. A defendant who has been ordered to pay the housing, maintenance and medical costs and who is not in contumacious default in the payment thereof may at any time petition the court which sentenced him for remission of the payment of these costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or his immediate family, the court may remit all or part of the amount due in such costs or modify the method of

payment.

(b)(1) When a defendant is ordered to pay housing, maintenance and medical costs, the court may grant permission for payment to be made in a specified period of time or in specified installments. If permission is not included in the order these costs shall be payable forthwith.

(2) When a defendant ordered to pay housing, maintenance and medical costs is also placed on probation or imposition or execution of sentence is suspended the court may make payment of the costs a condition of probation or suspension of sentence.

(c) A default in the payment of the housing, maintenance and medical costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment.

(d) Moneys collected for the housing, maintenance and medical costs of a convicted defendant in a misdemeanor case shall be collected by the clerk of the sentencing court and shall be payable to the county or city in whose jail the defendant was incarcerated.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Mitchem	
Aldridge	Corbett	Goodwin	Parsons	
Bailey	deGraffenried	Hand	Smith (B)	
Bedsale	Denton	Holmes	Smith (J)	
Bennett	Drinkard	Little	Strong	
Bishop	Ellis	Menton	Teague	—23

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 17. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (b) to pay four-tenths of the road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (c) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain county facilities (as defined herein), to be secured by a pledge of (i) one-half of the said special ad valorem tax, (ii) four-tenths of said road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, and (iii) such other taxes levied by Randolph



County as the governing body of Randolph County shall determine; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternative method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 2. RELATIVE TO THE ADOPTION OF THE JOINT RULES OF THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 1. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and §34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Also:

H. 2. To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town; to establish an effective date.

Also:

H. 7. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

H. J. R. 19. DESIGNATING A PORTION OF ALABAMA HIGHWAY 87 AS THE "SHERIFF NEIL GRANTHAM DRIVE."

Also:

H. J. R. 29. COMMENDING MR. AND MRS. EVERETTE SIMS ON THEIR 73RD WEDDING ANNIVERSARY.

Also:

H. J. R. 30. COMMENDING MR. AND MRS. JAMES H. BROCK ON THEIR 72ND WEDDING ANNIVERSARY.

Also:

H. J. R. 33. COMMENDING MR. AND MRS. CHARLIE HALLMAN OF GUNTERSVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTION TO JACKSONVILLE STATE UNIVERSITY.

Also:

H. J. R. 34. COMMENDING SMITH LAKE CIVIC ASSOCIATION.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 12. TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been pub-

licly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF H. B. 18

The Senate proceeded to further consideration of the Bill, H. B. 18, as amended by the substitute.

And said Bill, H. B. 18, as amended by the substitute, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Mitchem
Amari	Corbett	Goodwin	Parsons
Bailey	Covington	Hand	Smith (B)
Barron	deGraffenried	Holmes	Smith (J)
Bedsole	Drinkard	Little	Strong
Bennett	Figures	Menton	Teague
Bishop			—24

Nays:

—0

### FURTHER CONSIDERATION OF H. B. 20

The Senate proceeded to further consideration of the Bill, H. B. 20. The question was on the substitute offered by Senator Goodwin.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 19. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

JOHN W. PEMBERTON,  
Clerk.

### FURTHER CONSIDERATION OF H. B. 20

The Senate proceeded to further consideration of the Bill, H. B. 20. The question was on the substitute offered by Senator Goodwin.

Senator Figures offered the following amendment to the substitute for the Bill, H. B. 20, to-wit:

### AMENDMENT TO SUBSTITUTE FOR H. B. 20

Amend Senate Substitute to House Bill 20, Page 1, Line 11, by inserting after the word "Legislature" the words, "and the Governor".

Further amend said bill on Page 1, Line 23, by inserting after the word "Legislature" the words, "and the Governor".

Further amend said bill on Page 2, Line 29, by inserting after the word "Legislature" the words, "and the Governor".

Which was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 11. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

Also:

H. 16. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Reed, Kennedy, Adams, Albright, Beers, Black, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Drake, Escott, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Pratt, Rains, Rice, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (G) and Zoghby:

H. J. R. 47. REQUESTING A MOMENT OF SILENCE ON BEHALF OF JOHN F. KENNEDY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislative body stand for a moment of silence in recognition of the 20th Anniversary of the assassination of John F. Kennedy, the 35th President of the United States.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Drinkard, the Rules were suspended and the Resolution was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint

Resolutions and returns same herewith to the Senate:

S. J. R. 6. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

Also:

S. J. R. 37. COMMENDING COACH JOE SHULTS OF CULLMAN, ALABAMA.

Also:

S. J. R. 38. COMMENDING DR. W. CHARLES OLIVER, A RETIRING DISTRICT SUPERINTENDENT OF THE CHURCH OF THE NAZARENE.

Also:

S. J. R. 39. COMMENDING DR. WILLIAM R. BENNETT UPON HIS RETIREMENT FROM THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 41. RECOGNIZING PARTICIPANTS IN THE AUBURN UNIVERSITY BLOOD DRIVE AND ENCOURAGING LIKE PARTICIPATION, STATEWIDE.

JOHN W. PEMBERTON,  
Clerk.

#### **FURTHER CONSIDERATION OF H. B. 20**

The Senate proceeded to further consideration of the Bill, H.B. 20. The question was on the substitute offered by Senator Goodwin, as amended.

Senator Figures offered the following amendment No. 2 to the substitute for the Bill, H. B. 20, to-wit:

#### **AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 20**

Amend Substitute as amended for H. B. 20 Page 2 Line 21, by striking out the word no after the word be and inserting in lieu thereof the word a

#### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 19. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

CHARLES BISHOP,  
Chairperson.

#### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill,

the title of which is set out in the foregoing report from the Committee on Rules.

#### **FURTHER CONSIDERATION OF H. B. 20**

The Senate proceeded to further consideration of the Bill, H. B. 20. The question was on the Figures amendment No. 2 to the Goodwin substitute, as amended.

#### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 36. BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, November 22, 1983, we adjourn sine die.

JOHN W. PEMBERTON,  
Clerk.

#### **HOUSE MESSAGE**

On motion of Senator Goodwin, the Rules were suspended and the Resolution was concurred in and adopted by the Senate.

#### **FURTHER CONSIDERATION OF H. B. 20**

The Senate proceeded to further consideration of the Bill, H. B. 20. The question was on the Figures amendment No. 2 to the Goodwin substitute, as amended.

#### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 18. To provide that certain convicted defendants in misdemeanor cases shall be required to pay certain court costs which shall be used to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

JOHN W. PEMBERTON,  
Clerk.

#### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Gray, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall,

Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 40. COMMENDING NASCAR CHAMPION, BOBBY AL-  
LISON OF HUEYTOWN, ALABAMA.

Also:

By Reps. Rains, Coleman, and Bugg:

H. J. R. 42. COMMENDING MR. GLENN L. MAZE UPON HIS  
APPOINTMENT AS DEAN OF INSTRUCTION AT SNEAD STATE  
JUNIOR COLLEGE.

Also:

By Reps. Rains and Coleman:

H. J. R. 43. COMMENDING MRS. LEE BRADY ON HER 102ND  
BIRTHDAY.

Also:

By Reps. Rains and Coleman:

H. J. R. 44. COMMENDING PAT COURINGTON, JR.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Teague, the Rules were suspended and the Reso-  
lutions, H. J. R.'s 40, 42, 43, and 44, set out in the foregoing Message from  
the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Reso-  
lution and sends same herewith to the Senate for its consideration:

By Reps. Turnham, Adams, Albright, Bachus, Beers, Biddle, Black, Blake,  
Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder,  
Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler,  
Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn,  
Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers,  
Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall,  
Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn,  
Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird,  
Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta,  
Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson,  
Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains,  
Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey,  
Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White

(F), White (G), White (L) and Zoghby:

H. J. R. 46. MOURNING THE DEATH OF MR. J. F. INGRAM.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Teague, the Rules were suspended and the Resolution, H. J. R. 46, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 45. WHEREAS, Mr. Tal Eaton, Cameraman Cum Laude, and photographer phenomenal for WSFA-TV has diligently documented the proceedings of Alabama's august law-making assembly for, lo, these many years, since 1965, immortalizing the illustrious emanations on celluloid and capturing the cacophonous carnivalities on tape;

WHEREAS, Mr. Eaton has braved hail, sleet, snow, and vapor to suffer through:

morning machinations,  
afternoon alliterations,  
twilight titillations,  
midnight naunderings,  
desultory dissertations,  
disparaging deductions,  
dyspeptic dodderings,  
discordant disputations,  
strangled superlatives,  
surreptitious shenanigans,  
stonewalling sesquipedalians,  
disdainful demagogues,  
forensic fulminations,  
futile filibusters,

and every now and then, a plain and prudent word:

NOW BE IT THEREFORE RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mr. Tal Eaton for his many years of devoted service above and beyond the call of same and rational duty:

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Eaton as a token of the sincere esteem in which he is held



by those whom he has immortalized - the Alabama Legislature and other dignitaries of our beloved State.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Teague, the Rules were suspended and the Resolution, H. J. R. 45, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 22. To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

JOHN W. PEMBERTON,  
Clerk.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 6. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

Also:

S. J. R. 37. COMMENDING COACH JOE SHULTS OF CULLMAN, ALABAMA.

Also:

S. J. R. 38. COMMENDING DR. W. CHARLES OLIVER, A RETIRING DISTRICT SUPERINTENDENT OF THE CHURCH OF THE NAZARENE.

Also:

S. J. R. 39. COMMENDING DR. WILLIAM R. BENNETT UPON HIS RETIREMENT FROM THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 41. RECOGNIZING PARTICIPANTS IN THE AUBURN UNIVERSITY BLOOD DRIVE AND ENCOURAGING LIKE PARTICIPATION, STATEWIDE.

CHARLES BISHOP,  
Chairperson.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 11. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

Also:

H. 16. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 18. To provide that certain convicted defendants in misdemeanor cases shall be required to pay certain court costs which shall be used to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

Also:

H. 22. To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

Also:

H. J. R. 47. REQUESTING A MOMENT OF SILENCE ON BE-

HALF OF JOHN F. KENNEDY.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS AND RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 36. RELATIVE TO ADJOURNMENT SINE DIE ON TUESDAY, NOVEMBER 22, 1983.

Also:

H. J. R. 40. COMMENDING NASCAR CHAMPION, BOBBY AL-  
LISON OF HUEYTOWN, ALABAMA.

Also:

H. J. R. 42. COMMENDING MR. GLENN L. MAZE UPON HIS  
APPOINTMENT AS DEAN OF INSTRUCTION AT SNEAD STATE  
JUNIOR COLLEGE.

Also:

H. J. R. 43. COMMENDING MRS. LEE BRADY ON HER 102ND  
BIRTHDAY.

Also:

H. J. R. 44. COMMENDING PAT COURINGTON, JR.

Also:

H. J. R. 45. COMMENDING MR. TAL EATON FOR HIS MANY  
YEARS OF DEVOTED SERVICE ABOVE THE CALL OF SANE AND  
RATIONAL DUTY.

Also:

H. J. R. 46. MOURNING THE DEATH OF MR. J. F. INGRAM.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 5

Delivered to the Governor, November 17, 1983, at 2:20 P.M.

S. J. R. 10

S. J. R. 16

Delivered to the Governor, November 22, 1983, at 10:40 A.M.

S. B. 2

S. B. 6

S. B. 9

S. B. 12

S. B. 22

S. B. 23

S. J. R. 21

S. J. R. 22

S. J. R. 23

S. J. R. 26

Delivered to the Governor, November 22, 1983, at 4:05 P.M.

S. B. 19

Delivered to the Governor, November 22, 1983, at 4:40 P.M.

S. J. R. 6

S. J. R. 37

S. J. R. 38

S. J. R. 39

S. J. R. 41

Delivered to the Governor, November 22, 1983, at 5:30 P. M.

McDOWELL LEE,  
Secretary.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Fourth and Fifth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson,

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journals of the Senate for the Fourth and Fifth Legislative Days were approved by the Senate.

**ADJOURNMENT**

At 6:00 o'clock P. M., on motion of Senator Teague, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/ McDOWELL LEE,  
Secretary of Senate.

**ROSTER OF THE SENATE OF ALABAMA****1983**

Bill Baxley, <i>Lieutenant Governor</i> .....	State Capitol, Montgomery
John A. Teague, <i>President Pro-Tem</i> .....	Childersburg
McDowell Lee, <i>Secretary</i> .....	Montgomery
John D. Crawford, <i>Assistant Secretary</i> .....	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i> .....	Montgomery
<b>First Senatorial District</b>	
Bobby Denton ....	Bank Independent, P. O. Drawer B, Sheffield 35660
<b>Second Senatorial District</b>	
Roger Bedford .....	Box 669, Russellville 35653
<b>Third Senatorial District</b>	
Gary Aldridge .....	215 E. Moulton, Decatur 35601
<b>Fourth Senatorial District</b>	
Steve Cooley .....	P. O. Box 1186, Cullman 35056
<b>Fifth Senatorial District</b>	
Charles Bishop .....	P. O. Box 2328, Jasper 35501
<b>Sixth Senatorial District</b>	
Jim Smith .....	108-A South Side Square, Huntsville 35801
<b>Seventh Senatorial District</b>	
Bill Smith .....	2009 Gallatin St., S.W., Huntsville 35801
<b>Eighth Senatorial District</b>	
Lowell Barron .....	P. O. Box 65, Fyffe 35971
<b>Ninth Senatorial District</b>	
Hinton Mitchem .....	P. O. Box 297, Albertville 35950
<b>Tenth Senatorial District</b>	
Larry Keener .....	816 Chestnut Street, Gadsden 35901
<b>Eleventh Senatorial District</b>	
Bill Cabaniss, Jr. ....	P. O. Box 57032, Birmingham 35259
<b>Twelfth Senatorial District</b>	
John Amari .....	9636 Parkway East, Brimingham 35215
<b>Thirteenth Senatorial District</b>	
J. Richmond Pearson .....	P. O. Box 11135, Birmingham 35202
<b>Fourteenth Senatorial District</b>	
Mac Parsons .....	1285 E. Hueytown Rd., Hueytown 35023
<b>Fifteenth Senatorial District</b>	
Earl F. Hilliard .....	P. O. Box 11385, Birmingham 35202
<b>Sixteenth Senatorial District</b>	
Ryan deGraffenried, Jr. ....	P. O. Box 2427, Tuscaloosa 35403
<b>Seventeenth Senatorial District</b>	
Spencer Bachus .....	930 First Ala. Bank Bldg., Birmingham 35203

Eighteenth Senatorial District	
Lister Hill Proctor .....	121 N. Norton Ave., Sylacauga 35150
Nineteenth Senatorial District	
John Teague .....	P. O. Box 427, Childersburg 35044
Twentieth Senatorial District	
Donald Holmes .....	1916 Robinhood Dr., Oxford 36203
Twenty-first Senatorial District	
Ted Little .....	P. O. Box 2366, Auburn 36830
Twenty-second Senatorial District	
Danny Corbett .....	Rt. 4, Box 821, Phenix City 36867
Twenty-third Senatorial District	
Foy Covington, Jr. ....	Rt. 2, Newville 36353
Twenty-fourth Senatorial District	
Chip Bailey .....	P. O. Box 6791, Dothan 36302
Twenty-fifth Senatorial District	
Crum Foshee, Jr. ....	310 Baisden St., Andalusia 36420
Twenty-sixth Senatorial District	
Don Harrison .....	516 S. Perry, Montgomery 36104
Twenty-seventh Senatorial District	
Larry Dixon .....	P. O. Box 946, Montgomery 36102
Twenty-eighth Senatorial District	
Wendell Mitchell .....	P. O. Box 225, Luverne 36049
Twenty-ninth Senatorial District	
Earl Goodwin .....	P. O. Box 886, Selma 36702
Thirtieth Senatorial District	
Ed Robertson .....	13-A Northwood Lake, Northport 35476
Thirty-first Senatorial District	
Reo Kirkland, Jr. ....	P. O. Box 646, Brewton 36427
Thirty-second Senatorial District	
Jerry Boyington .....	Rt. 1, Box 30-A, Fairhope 36532
Thirty-third Senatorial District	
Michael A. Figures .....	2317 St. Stephens Rd., Mobile 36617
Thirty-fourth Senatorial District	
Ann Bedsole .....	P. O. Box 16642, Mobile 36616
Thirty-fifth Senatorial District	
Bill Menton .....	Rt. 2, Box 171, Irvington 36544

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**STANDING COMMITTEES  
OF THE  
ALABAMA STATE SENATE  
1983**

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**FINANCE AND TAXATION  
EDUCATION**

Mitchem, Chairperson; Little, Deputy Chairperson; deGraffenried, Vice-Chairperson; Foshee, Proctor, Hilliard, Aldridge, Holmes, Smith (Jim), Cooley, Bailey, Harrison, Figures.

**FINANCE AND TAXATION  
GENERAL FUND**

Mitchem, Chairperson; Little, Deputy Chairperson; Goodwin, Vice-Chairperson; Mitchell, Amari, Denton, Pearson, Corbett, Smith (Bill), Robertson, Barron, Bedford, Bedsole.

**RULES**

Bishop, Chairperson; Smith (Jim), Vice-Chairperson; Parsons, Mitchell, Aldridge, Denton, Pearson.

**JUDICIARY**

Hilliard, Chairperson; Kirkland, Vice-Chairperson; Proctor, Menton, Smith (Jim), Cooley, deGraffenried, Harrison, Aldridge, Keener, Bedford, Amari, Bachus, Parsons, Little.

**GOVERNMENTAL AFFAIRS**

Mitchell, Chairperson; Dixon, Vice-Chairperson; Boyington, Bailey, Bachus, Parsons, Goodwin, Pearson, Figures, Corbett, Proctor, Cooley, Robertson, Aldridge, Covington.

**CONSTITUTIONAL REVISION**

deGraffenried, Chairperson; Keener, Vice-Chairperson; Figures, Proctor, Aldridge, Smith (Bill), Smith (Jim).

**AGRICULTURE, CONSERVATION AND FORESTRY**

Bailey, Chairperson; Menton, Vice-Chairperson; Boyington, Goodwin, Little, Figures, Smith (Jim), Mitchem, Robertson, Harrison, Aldridge, Kirkland, Denton, Bedford, Covington.

**BUSINESS AND LABOR RELATIONS**

Keener, Chairperson; Corbett, Vice-Chairperson; Parsons, Amari, Figures, Cooley, Robertson, Bedford, Foshee.

**EDUCATION**

Parsons, Chairperson; Bedsole, Vice-Chairperson; Bailey, Foshee, Hilliard, Corbett, Cooley, Harrison, Bachus.

**HEALTH AND WELFARE**

Proctor, Chairperson; Barron, Vice-Chairperson; Smith (Jim), Holmes,



Dixon, Keener, Covington, Bailey, Foshee.

**BANKING AND INSURANCE**

Smith (Jim), Chairperson; Cabaniss, Vice-Chairperson; Amari, Bachus, Foshee, Little, Mitchell, Hilliard, Smith (Bill), Mitchem, deGraffenried, Harrison, Barron, Keener, Denton.

**COMMERCE, TRANSPORTATION AND UTILITIES**

Denton, Chairperson; Hilliard, Vice-Chairperson; Smith (Bill), Bishop, Amari, Holmes, Keener, Cabaniss, Foshee.

**CONSUMER AFFAIRS**

Figures, Chairperson; Harrison, Vice-Chairperson; Bachus, Parsons, Corbett, Smith (Jim), Kirkland.

**BUILDINGS AND GROUNDS**

Foshee, Chairperson; Covington, Vice-Chairperson; Bishop.

**INDUSTRIAL EXPANSION, ECONOMIC GROWTH, AND JOBS**

Smith (Bill), Chairperson; Cooley, Vice-Chairperson; Smith (Jim), Dixon, Covington, Cabaniss, Figures, Bailey, Bishop.

**COMMITTEE ON AGING**

Amari, Chairperson; Menton, Vice-Chairperson; Holmes, Robertson, Barron, Boyington, Bailey, Goodwin, Corbett.

**STUDENT AND YOUTH ACTIVITIES**

Bedford, Chairperson; Bachus, Vice-Chairperson; Dixon, Little, Menton, Bedsole, Boyington.

**SMALL BUSINESS**

Holmes, Chairperson; Dixon, Vice-Chairperson; Boyington, Cabaniss, Goodwin, Amari, Bedford.

**MILITARY AFFAIRS**

Robertson, Chairperson; Boyington, Vice-Chairperson; Holmes, Barron, Covington, Menton, Bedsole.

**LOCAL LEGISLATION NO. 1**

Foshee, Chairperson; Kirkland, Vice-Chairperson; Mitchem, Aldridge, Covington, Mitchell, Bishop.

**LOCAL LEGISLATION NO. 2**

Pearson, Chairperson; Parsons, Vice-Chairperson; Amari, Bishop, Proctor, Hilliard, Cabaniss, Bachus.

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**STANDING COMMITTEE ASSIGNMENTS  
FOR 1983  
ALABAMA STATE SENATE**

**3rd District**

**GARY ALDRIDGE**—Finance and Taxation, Education sub-committee; Rules; Judiciary; Governmental Affairs; Constitutional Revision; Agriculture, Conservation and Forestry; Local Legislation No. 1.

**12th District**

**JOHN AMARI**—Chairperson, Committee on Aging; Finance and Taxation, General Fund sub-committee; Judiciary; Business and Labor Relations; Banking and Insurance; Commerce, Transportation and Utilities; Small Business; Local Legislation No. 2.

**17th District**

**SPENCER BACHUS**—Vice-Chairperson, Student and Youth Activities; Judiciary; Governmental Affairs; Education; Banking and Insurance; Consumer Affairs; Local Legislation No. 2.

**24th District**

**CHIP BAILEY**—Chairperson, Agriculture, Conservation and Forestry; Finance and Taxation, Education sub-committee; Governmental Affairs; Education; Health and Welfare; Industrial Expansion, Economic Growth, and Jobs; Committee on Aging.

**8th District**

**LOWELL BARRON**—Vice-Chairperson, Health and Welfare; Finance and Taxation, General Fund sub-committee; Banking and Insurance; Committee on Aging; Military Affairs.

**2nd District**

**ROGER BEDFORD**—Chairperson, Student and Youth Activities; Finance and Taxation, General Fund sub-committee; Judiciary; Agriculture, Conservation and Forestry; Business and Labor Relations; Small Business

**34th District**

**ANN BEDSOLE**—Vice-Chairperson, Education; Finance and Taxation, General Fund sub-committee; Student and Youth Activities; Military Affairs.

**5th District**

**CHARLES BISHOP**—Chairperson, Rules; Commerce, Transportation and Utilities; Buildings and Grounds; Industrial Expansion, Economic Growth and Jobs; Local Legislation No. 1; Local Legislation No. 2.

**32nd District**

**JERRY BOYINGTON**—Vice-Chairperson, Military Affairs; Governmental Affairs; Agriculture, Conservation and Forestry; Committee on Aging; Student and Youth Activities; Small Business.

**11th District**

**BILL CABANISS**—Vice-Chairperson, Banking and Insurance; Commerce, Transportation and Utilities; Industrial Expansion, Economic Growth and Jobs; Small Business; Local Legislation No. 2.

**4th District**

**STEVE COOLEY**—Vice-Chairperson, Industrial Expansion, Economic Growth and Jobs; Finance and Taxation, Education sub-committee; Ju-

diciary; Governmental Affairs; Business and Labor Relations; Education.

**22nd District**

**DANNY CORBETT**—Vice-Chairperson, Business and Labor Relations; Finance and Taxation, General Fund sub-committee; Governmental Affairs; Education; Consumer Affairs; Committee on Aging.

**23rd District**

**FOY COVINGTON**—Vice-Chairperson, Buildings and Grounds; Governmental Affairs; Agriculture, Conservation and Forestry; Health and Welfare; Industrial Expansion, Economic Growth and Jobs; Military Affairs; Local Legislation No. 1.

**16th District**

**RYAN deGRAFFENRIED**—Chairperson, Constitutional Revision; Vice-Chairperson, Finance and Taxation, Education sub-committee; Judiciary; Banking and Insurance.

**1st District**

**BOBBY DENTON**—Chairperson, Commerce, Transportation and Utilities; Finance and Taxation, General Fund sub-committee; Rules; Agriculture, Conservation and Forestry; Banking and Insurance.

**27th District**

**LARRY DIXON**—Vice-Chairperson, Governmental Affairs; Vice-Chairperson, Small Business; Health and Welfare; Industrial Expansion, Economic Growth and Jobs; Student and Youth Activities.

**33rd District**

**MICHAEL A. FIGURES**—Chairperson, Consumer Affairs; Finance and Taxation, Education sub-committee; Governmental Affairs; Constitutional Revision; Agriculture, Conservation and Forestry; Business and Labor Relations; Industrial Expansion, Economic Growth and Jobs.

**25th District**

**CRUM FOSHEE**—Chairperson, Buildings and Grounds; Chairperson, Local Legislation No. 1; Finance and Taxation, Education sub-committee; Business and Labor Relations; Education; Health and Welfare; Banking and Insurance; Commerce, Transportation and Utilities.

**29th District**

**EARL GOODWIN**—Vice-Chairperson, Finance and Taxation, General Fund sub-committee; Governmental Affairs; Agriculture, Conservation and Forestry; Committee on Aging; Small Business.

**25th District**

**DON HARRISON**—Vice-Chairperson; Consumer Affairs; Finance and Taxation, Education sub-committee; Judiciary; Agriculture, Conservation and Forestry; Education; Banking and Insurance.

**15th District**

**EARL HILLIARD**—Chairperson, Judiciary; Vice-Chairperson, Commerce, Transportation and Utilities; Finance and Taxation, Education sub-committee; Education; Banking and Insurance; Local Legislation No. 2.

**20th District**

**DONALD HOLMES**—Chairperson, Small Business; Finance and Taxation, Education sub-committee; Health and Welfare; Commerce, Transportation and Utilities; Committee on Aging; Military Affairs.

**10th District**

**LARRY KEENER**—Chairperson, Business and Labor Relations; Vice-Chairperson, Constitutional Revision; Judiciary; Health and Welfare; Banking and Insurance; Commerce, Transportation and Utilities.

**31st District**

**REO KIRKLAND, JR.**—Vice-Chairperson, Judiciary; Vice-Chairperson, Local Legislation No. 1; Agriculture, Conservation and Forestry; Consumer Affairs.

**21st District**

**TED LITTLE**—Deputy Chairperson, Finance and Taxation; Judiciary; Agriculture, Conservation and Forestry; Banking and Insurance; Student and Youth Activities.

**35th District**

**BILL MENTON**—Vice-Chairperson, Agriculture, Conservation and Forestry; Vice-Chairperson, Committee on Aging; Judiciary; Student and Youth Activities; Military Affairs.

**28th District**

**WENDELL MITCHELL**—Chairperson, Governmental Affairs; Finance and Taxation, General Fund sub-committee; Rules; Banking and Insurance; Local Legislation No. 1.

**9th District**

**HINTON MITCHEM**—Chairperson, Finance and Taxation; Agriculture, Conservation and Forestry; Banking and Insurance; Local Legislation No. 1.

**14th District**

**MACK PARSONS**—Chairperson, Education; Vice-Chairperson, Local Legislation No. 2; Rules; Judiciary; Governmental Affairs; Business and Labor Relations; Consumer Affairs.

**13th District**

**J. RICHMOND PEARSON**—Chairperson, Local Legislation No. 2; Finance and Taxation, General Fund sub-committee; Rules; Governmental Affairs.

**18th District**

**LISTER HILL PROCTOR**—Chairperson, Health and Welfare; Finance and Taxation, Education sub-committee; Judiciary; Governmental Affairs; Constitutional Revision; Local Legislation No. 2.

**30th District**

**ED ROBERTSON**—Chairperson, Military Affairs; Finance and Taxation, General Fund sub-committee; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Committee on Aging.

**7th District**

**BILL SMITH**—Chairperson, Industrial Expansion, Economic Growth and Jobs; Finance and Taxation, General Fund sub-committee; Constitutional Revision; Banking and Insurance; Commerce, Transportation and Utilities.

**6th District**

**JIM SMITH**—Chairperson, Banking and Insurance; Vice-Chairperson, Rules; Finance and Taxation, Education sub-committee; Judiciary; Constitutional Revision; Agriculture, Conservation and Forestry; Health and Welfare; Consumer Affairs; Industrial Expansion, Economic Growth and Jobs.

**19th District**

**JOHN TEAGUE**—Ex-officio voting member of all Standing Committees.

**HOUSE OF REPRESENTATIVES  
REGULAR SESSION, 1983  
ALPHABETICAL ROSTER AND DISTRICT NUMBER**

Charles Adams, 66	Ken Kvalheim, 101
Robert E. Albright, 20	Richard Laird, 61
Charles Ashley, 1	Charles Langford, 77
Jim Bennett, 33	Jack B. Lauderdale, 5
Jack Bibble, III, 35	George L. Layton, 34
A. J. Blake, 56	Duane Lewis, 50
Harrell Blakeney, 92	Bob McKee, 79
Hugh Boles, 42	Stephen A. McMillan, 95
W. C. (Bill) Bowling, 11	Richard S. Manley, 87
Michael E. Box, 97	Charles B. Martin, 8
Carl C. Brakefield, 12	Nathan Mathis, 73
Morris J. Brooks, Jr., 18	Bryant Melton, 46
Glen Browder, 57	Preston (Mann) Minus, Jr., 90
Jenkins Bryant, Jr., 86	Earl Mitchell, 89
James Buskey, 99	Sonny Moore, 52
Tom Butler, 17	Don Murphy, 49
James M. Campbell, 59	C. Howard Nevett, 37
Joe R. Carothers, Jr., 71	Max Newman, 6
Tommy Carter, 16	Tom Nicholson, 13
John Casey, 60	Walter Owens, 48
William Clark, 98	Paul Parker, 9
Steve Clikas, Jr., 104	Arthur Payne, 15
Tom C. Coburn, 3	Walter E. Penry, Jr., 94
Loyd Coleman, 26	Phil Poole, 88
W. F. (Noopie) Cosby, Jr., 85	Jim Preuitt, 55
Bobby C. Crow, 58	T. Euclid Rains, Sr., 25
Patricia Davis, 36	Thomas Reed, 67
Tom Drake, 10	John Rice, 64
Bill Drinkard, 29	Ben T. Richardson, 23
Roger Dutton, 7	John W. Rogers, 38
Sundra Escott, 45	James G. Sasser, 69
Dwight Faulk, 84	Van Scott, 31
Steve Flowers, 66	George Seibels, Jr., 32
Joe Ford, 28	Curtis Smith, 53
Dewayne Freeman, 19	Nelson R. Starkey, Jr., 2
Victor Gaston, 100	John C. Starr, Jr., 78
J. W. (Joe) Goodwin, 4	J. David Stout, 24
George Grimsley, 70	James Louis Thomas, 83
E. A. (Ed) Grouby, Jr., 82	Jarushia Thornton, 44
Albert Hall, 22	Hoyt Trammell, 40
Seth Hammett, 75	Jerome Tucker, 43
Taylor Harper, 105	J. E. Turner, 96
Bob Harvey, 27	Pete Turnham, 63
Steve R. Hettinger, 21	Jack Venable, 76
Jimmy W. Holley, 74	J. T. (Jabo) Waggoner, 51
Alvin Holmes, 80	Jimmy Warren, 93
William Fred Horn, 39	Frank P. White, 91
Asbury Howard, 41	Thomas Lester White, 62
Albert L. (Al) Johnson, 65	Nolan Williams, 72
Ron G. Johnson, 54	Ham Wilson, Jr., 81
Roy W. Johnson, Jr., 47	Jim Wright, 14
Bobby M. Junkins, 30	Mary Zoghby, 102
Yvonne Kennedy, 103	

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA**

**1983**

**REGULAR SESSION**

**TOM DRAKE, *Speaker*, Cullman**

**ROY JOHNSON  
*Speaker Pro-Tem*, Tuscaloosa**

**JOHN W. PEMBERTON, *Clerk*, Montgomery**

**LOIS F. ALLEN, *Chief Clerk*, Montgomery**

**MEMBERS OF THE HOUSE**

<b>Dist. No.</b>	<b>Counties</b>	<b>Name</b>	<b>Address</b>
1	LAUDERDALE	Charles Ashley .....	Rt. 3, Box 240, Killen 35645
2	LAUDERDALE	Nelson Starkey .....	168 Cedarcrest Dr., Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom Coburn .....	1107 E. 3rd St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin .....	310 Ford Rd., Muscle Shoals 35660
5	FRANKLIN, MARION	Jack Lauderdale .....	Route One, Box 238, Hamilton 35570
6	LAMAR, MARION, FAYETTE	Max Newman .....	P. O. Box 428, Millport 35576
7	LAWRENCE, MORGAN	Roger Dutton .....	RR No. 2, Box 32, Trinity 35673
8	MORGAN	Charles Martin .....	1716 Camellia Dr., S.W., Decatur 35601
9	MORGAN	Paul Parker .....	303 N. Douglas, Hartselle 35640
10	MORGAN, CULLMAN	Tom Drake .....	P. O. Box 1165, Cullman 35055
11	CULLMAN, WINSTON	W. C. (Bill) Bowling .....	Route 2, Box 349, Hanceville 35077
12	WINSTON, WALKER	Carl Brakefield .....	P. O. Box G, Carbon Hill 35549
13	WALKER	Tom Nicholson .....	P. O. Box 248, Jasper 35501
14	JEFFERSON, BLOUNT	Jim Wright .....	4005 Harris Ave., Adamsville 35005

- 15 JEFFERSON  
Arthur Payne . . . . . 2825 2nd St., N.W., Birmingham 35215
- 16 LIMESTONE  
Tommy Carter . . . . . Route 2, Box 72, Elkmont 35620
- 17 LIMESTONE, MADISON  
Tom Butler . . . . . 1803 Forney Dr., Huntsville 35805
- 18 MADISON  
Morris Brooks . . . . . 9009 Randall, Huntsville 35802
- 19 MADISON  
Dewayne Freeman . . . . . 366 Jack Coleman Dr., Huntsville 35805
- 20 MADISON  
Robert E. Albright . . . . . 2024 Stanhope Dr., N.E., Huntsville 35811
- 21 MADISON  
Steve R. Hettinger . . . . . P. O. Box 614, Huntsville 35804
- 22 MADISON, JACKSON  
Albert Hall . . . . . P. O. Box 275, Gurley 35748
- 23 JACKSON  
Ben T. Richardson . . . . . P. O. Box 1017, Scottsboro 35768
- 24 JACKSON, DeKALB  
J. David Stout . . . . . P. O. Box 1106, Fort Payne 35967
- 25 DeKALB, MARSHALL  
T. Euclid Rains, Sr. . . . . Rt. 1, Box 326, Albertville 35950
- 26 MARSHALL  
T. Loyd Coleman . . . . . P. O. Box 67, Arab 35016
- 27 BLOUNT, ETOWAH, MARSHALL  
Bob Harvey . . . . . Rt. 4, Box 708, Oneonta 35121
- 28 ETOWAH  
Joe Ford . . . . . 1316 Kentucky Avenue, East Gadsden 35903
- 29 ETOWAH  
Bill Drinkard . . . . . P. O. Box 372, Gadsden 35902
- 30 ETOWAH, CHEROKEE  
Bobby M. Junkins . . . . . 254 College Street, Gadsden 35999
- 31 JEFFERSON  
Van Scott . . . . . 3100 Guilford Road, Birmingham 35223
- 32 JEFFERSON  
George Seibels, Jr. . . . . 4016 10th Avenue South, Birmingham 35222
- 33 JEFFERSON  
Jim Bennett . . . . . 1524 Valley Ave., Homewood 35209
- 34 JEFFERSON  
George L. Layton . . . . . 2305 5th Place, N.W., Center Point,  
Birmingham 35215
- 35 JEFFERSON  
Jack Biddle, III . . . . . 2256 Pinehurst Dr., Gardendale 35071



- 36 JEFFERSON  
Pat Davis ..... 9312 Sears Drive, Birmingham 35206
- 37 JEFFERSON  
C. Howard Nevett ..... 5028 Parkway Ave., Fairfield 35064
- 38 JEFFERSON  
John W. Rogers ..... 1424 18th Street, S.W., Birmingham 35211
- 39 JEFFERSON  
William Fred Horn .. 333 16th Avenue, S.W., Birmingham 35211
- 40 JEFFERSON  
Hoyt W. Trammell ..... Route 15, Box 247, Birmingham 35224
- 41 JEFFERSON  
Asbury Howard ..... 1930 Exeter Avenue, Bessemer 35020
- 42 JEFFERSON  
Hugh Boles ..... 1036 Normandale Circle, Hueytown 35020
- 43 JEFFERSON  
Jerome Tucker ..... 1722 2121 Bldg., 8th Avenue N.,  
Birmingham 35203
- 44 JEFFERSON  
Jarushia Thornton 1232 Twelfth Court North, Birmingham 35204
- 45 JEFFERSON  
Sundra E. Escott ..... P. O. Box 8172, Birmingham 35218
- 46 TUSCALOOSA  
Bryant Melton ..... 4129 20th Street, Tuscaloosa 35401
- 47 TUSCALOOSA  
Roy W. Johnson, Jr. .... 4501 20th St., N.E., Tuscaloosa 35404
- 48 TUSCALOOSA, BIBB  
Walter Owens ..... 107 Court Square, West Centreville 35042
- 49 TUSCALOOSA, JEFFERSON  
Don Murphy ..... 2559 North Chandalar Lane, Pelham 35124
- 50 JEFFERSON  
Duane Lewis ..... 1129 4th Ave., N., Bessemer 35020
- 51 JEFFERSON, SHELBY  
J. T. "Jabo" Waggoner ..... P. O. Box 10566, Birmingham 35296
- 52 JEFFERSON, SHELBY, TALLADEGA  
Sonny Moore ..... P. O. Box 44, Sterrett 35147
- 53 CHILTON, SHELBY  
Curtis Smith ..... Rt. 3, Box 118, Clanton 35045
- 54 COOSA, TALLADEGA  
Ron G. Johnson ..... Rt. 5, Box 17, Sylacauga 35150
- 55 TALLADEGA  
Jim Preuitt ..... P. O. Box 1063, Talladega 35160
- 56 ST. CLAIR, CALHOUN  
A. J. Blake ..... Rt. 1, Box 206A, Pell City 35125

- 57 **CALHOUN**  
Glen Browder ..... Rt. 2, Box 316, Jacksonville 36265
- 58 **CALHOUN**  
Bobby C. Crow ..... Rt. 10, Box 842, Anniston 36201
- 59 **CALHOUN**  
James M. Campbell ..... P. O. Box 2003, Anniston 36202
- 60 **CLAY, CLEBURNE, TALLADEGA**  
John Casey ..... 207 Duke Drive, Heflin 36264
- 61 **RANDOLPH, CHAMBERS**  
Richard Laird ..... 46 Randolph Plaza, Roanoke 36274
- 62 **TALLAPOOSA, CHAMBERS**  
Thomas Lester White ..... 739 Freeman Street, Dadeville 36853
- 63 **TALLAPOOSA, LEE, CHAMBERS**  
Pete Turnham ..... Box 1592, Auburn 36830
- 64 **CHAMBERS, LEE**  
John Rice ..... P. O. Box 2432, Opelika 36801
- 65 **LEE, RUSSELL, BARBOUR**  
Albert L. Johnson ..... P. O. Box 1126, Phenix City 36867
- 66 **RUSSELL**  
Charles Adams ..... P. O. Box 967, Phenix City 36867
- 67 **MACON, BULLOCK**  
Thomas Reed ... Drawer EE, Tuskegee Institute, Tuskegee 36088
- 68 **PIKE, COFFEE, BULLOCK, BARBOUR**  
J. Steve Flowers ..... P. O. Box 973, Troy 36081
- 69 **DALE, BARBOUR, HENRY**  
James G. Sasser ..... P. O. Box 1279, Ozark 36361
- 70 **HOUSTON, HENRY, BARBOUR**  
George Grimsley ..... Rt. 1, Box 69, Columbia 36319
- 71 **HOUSTON**  
Joe Carothers, Jr. .... Rt. 8, Box 33, Dothan 36301
- 72 **DALE**  
Nolan Williams ..... P. O. Box 6947, Dothan 36301
- 73 **GENEVA, COVINGTON, HOUSTON**  
Nathan Mathis ..... P. O. Drawer L, Slocomb 36375
- 74 **COVINGTON, COFFEE**  
Jimmy W. Holley ..... Rt. 3, Box 191E, Elba 36323
- 75 **COVINGTON**  
Seth Hammett ..... P. O. Box 1418, Andalusia 36420
- 76 **ELMORE**  
Jack Venable ..... P. O. Box 736, Tallassee 36078
- 77 **MONTGOMERY**  
Charles D. Langford .... 918 E. Grove Street, Montgomery 36104

- 78 MONTGOMERY, CRENSHAW  
John Starr, Jr. . . . . P. O. Box 7426, Montgomery 36107
- 79 MONTGOMERY  
Bob McKee . . . . . P. O. Box 424, Montgomery 36101
- 80 MONTGOMERY  
Alvin Holmes . . . . . P. O. Box 6064, Montgomery 36106
- 81 MONTGOMERY  
Ham Wilson, Jr. . . . . P. O. Box 238, Montgomery 36106
- 82 AUTAUGA, ELMORE, LOWNDES, MONTGOMERY  
E. A. Grouby, Jr. . . . . P. O. Box 188, Prattville 36067
- 83 WILCOX, LOUNDES, DALLAS  
James L. Thomas . . . . . Rt. 2, Box 509, Hayneville 36040
- 84 BUTLER, CRENSHAW  
Dwight Faulk . . . . . Rt. 2, Box 90, Honoraville 36042
- 85 DALLAS, AUTAUGA  
W. F. (Noopie) Cosby, Jr. . . . . 5 Citizens Parkway, Selma 36701
- 86 DALLAS, PERRY, MARENGO  
Jenkins Bryant, Jr. . . . . Rt. 1, Box 126, Newbern 36765
- 87 MARENGO, SUMTER, HALE, GREENE  
Richard S. (Rick) Manley . . . . . P. O. Drawer U, Demopolis 36732
- 88 GREENE, PICKENS, TUSCALOOSA, HALE  
Phil Poole . . . . . P. O. Box 207, Moundville 35474
- 89 TUSCALOOSA, PICKENS  
Earl Mitchell . . . . . P. O. Box 426, Northport 35476
- 90 SUMTER, CHOCTAW  
Preston (Mann) Minus, Jr. . . . . P. O. Box 312, Livingston 35470
- 91 ESCAMBIA  
Frank P. White . . . . . Rt. 1, Box 193-B, Pollard, Flomaton 36441
- 92 CLARKE, MONROE  
Harrell Blakeney . . . . . Rt. 2, Box 172, Thomasville 36784
- 93 MONROE, CONECUH, ESCAMBIA  
J. E. (Jimmy) Warren . . . . . P. O. Box 207, Castleberry 36432
- 94 BALDWIN  
Walter E. Penry, Jr. . . . . Rt. 2, Box 286, Daphne 36526
- 95 BALDWIN, MOBILE  
Stephen A. (Steve) McMillan . . . . . P. O. Box 337, Bay Minette 36507
- 96 WASHINGTON, MOBILE  
J. E. Turner . . . . . P. O. Box 777, Citronelle 36522
- 97 MOBILE  
Michael E. Box . . . . . 133 Louiselle Street, Mobile 36690
- 98 MOBILE  
William Clark . . . . . P. O. Box 10434, Prichard 36610

- 99     **MOBILE**  
James Buskey ..... 2207 Barretts Lane, Mobile 36617
- 100    **MOBILE**  
Victor Gaston ..... 864 West Parkwood Dr., Mobile 36608
- 101    **MOBILE**  
Ken Kvalheim ..... 421 Dogwood Dr., Mobile 36609
- 102    **MOBILE**  
Mary Zoghby ..... 2862 Hilburn Drive, Mobile 36606
- 103    **MOBILE**  
Yvonne Kennedy ..... 1205 Glennon Ave., Mobile 36603
- 104    **MOBILE**  
Steve Clikas ..... P. O. Box 9436, Mobile 36609
- 105    **MOBILE**  
Taylor Harper ..... P. O. Box 229, Grand Bay 36541
-

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SB 1, pages 25, 49, 58, 59, 61, 62

HB 16, pages 75, 83, 117, 136, 142, Act no. 83-836

## DEAF AND BLIND, ALABAMA INSTITUTE FOR

Textbooks and instructional materials, selection and purchase of further provided

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## DEFENDANTS

Convicted, in misdemeanor cases, to reimburse county or city jails for housing, maintenance and medical costs

HB 18, pages 73, 85, 131, 135, 138, 142, Act no. 83-837

## ELECTIONS

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SB 1, pages 25, 49, 58, 59, 61, 62

HB 16, pages 75, 83, 117, 136, 142, Act no. 83-836

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SB 8, pages 26, 51

## ESTATES

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SB 1, pages 25, 49, 58, 59, 61, 62

HB 16, pages 75, 83, 117, 136, 142, Act no. 83-836

**FIRE/WATER HYDRANTS**

Use of blue reflective markers to indicate location of, on public roads

SB 19, pages 28, 52, 70, 135, 137, 144, Act no. 83-806

**HOMESTEAD EXEMPTIONS**

Time for applying for, property assessments, tax assessors authorized to accept between January 1 and September 30

SB 12, pages 27, 49, 71, 109, 122, 144, Act no. 83-814

**HOUSE OF REPRESENTATIVES**

Districts 26 and 25 reversed

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**HUNTING LICENSE**

Shall not be denied to person solely because of physical handicap

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**INMATE COMMUNITY REINTEGRATION UNDER SIR ACT**

Designated, to provide for reintegration of inmates of prison system into society

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Convicted defendants in misdemeanor cases to reimburse county or city, for housing, maintenance, and medical costs

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**JONES LAW INSTITUTE**

Graduates of, in residence study with attorneys and judges, may take bar exam with all other graduates

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SB 16, page 27

**LADONIA-CRAWFORD WATER AND FIRE PROTECTION AUTHORITY**

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**LEGISLATURE**

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HB 23, pages 71, 83, 99, 103, Act no. 83-824

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SB 9, pages 26, 49, 58, 109, 122, 144, Act no. 83-813

Supplemental appropriation to pay expense of

SB 1, pages 25, 49, 58, 59, 61, 62

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**MEDICAL AND DENTAL PROFESSIONAL CORPORATIONS**

Certain, allowed to continue under revised Alabama professional corporation act

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**MEDICAL EXAMINERS, STATE BOARD OF**

May accept equivalent examinations for certain categories of applicants and may set fees

SB 6, pages 26, 50, 69, 109, 122, 144, Act no. 83-812

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**MENTAL HEALTH, DEPARTMENT OF**

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HB 16, pages 75, 83, 117, 136, 142, Act no. 83-836

**MILES COLLEGE**

Graduates of, in residence study with attorneys and judges, may take bar exam with all other graduates

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**MUNICIPALITIES**

Number of meetings of town councils each month provided

HB 2, pages 73, 83, 110, 133, Act no. 83-828

**NONDRIVER IDENTIFICATION CARDS**

Shall not bear an expiration date

HB 28, pages 71, 82, 99, 103, Act no. 83-825

**NURSING, ALABAMA BOARD OF**

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- Hunting license shall not be denied to person solely because he is  
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**PRISONS**

- Convicted defendants in misdemeanor cases to reimburse county or city jails for housing, maintenance, and medical costs  
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- Reintegration of inmates of, to society under supervised intensive restitution act  
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- Sentences of 10 years or less, minimum and maximum terms increased  
SB 7, pages 26, 52
- Statewide public referendum provided to determine "sense of the public" regarding additional tax for more and/or expanded  
SB 24, page 29  
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**PROBATE CODE**

- Certain code sections amended and repealed to clarify certain inconsistencies in  
SB 11, page 27

**PROFESSIONAL CORPORATION ACT, ALABAMA REVISED**

- Amended to determine the date of disqualification of shareholders and to allow certain corporations to continue  
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- Real and personal, distinction between, laws with respect to administration of decedents' estates clarified  
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- Recovery of possession of rented premises when possession is wrongfully withheld by a tenant, service of writ or process on the tenant further provided  
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- Time for making amended, applications for homestead exemptions  
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**PUBLIC REFERENDUM, STATEWIDE**

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**RENTED PREMISES**

Recovery of possession of, when possession is wrongfully withheld by a tenant, service of writ or process on the tenant further provided

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**RESTITUTION ACT, SUPERVISED INTENSIVE**

Reintegration of inmates into society and promotion of payment to victims

SB 21, pages 29, 52, 64, 65, 66

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**UTILITY GROSS RECEIPTS TAX**

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VENDING MACHINES

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Butler county, 1949 Acts, Act no. 219, p. 311, county board of education further provided

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**BUTLER COUNTY**

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HB 14, pages 74, 85, 91, 102, Act no. 83-847

County commissioners, election of, redistricting and reapportionment of electors

SB 23, pages 29, 50, 56, 109, 122, 144

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**ELMORE COUNTY**

Probate judge, one general index book allowed for

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**JEFFERSON COUNTY**

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SB 18, pages 28, 51, 57, 68

**MORGAN COUNTY**

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Hamilton, mrs. Martha Lorraine Sykes, of Mobile, death mourned  
SJR 22, pages 88, 104, 123, 144, Act no. 83-816

Ingram, mr. J. F., of Montgomery, death mourned  
HJR 46, pages 140, 143, Act no. 83-846

Kennedy, late president John F., death commemorated  
SJR 40, page 114

Kennedy, late president John F., moment of silence to honor, requested  
HJR 47, pages 136, 142, Act no. 83-839

Thompson, mr. J. A., of Andalusia, death mourned  
SR 19, page 86

Winchester, sergeant Rex W., of Irondale police department, death mourned  
HJR 14, pages 48, 60, Act no. 83-797

**CONGRATULATORY**

Allison, Bobby, Nascar champion, of Hueytown, commended  
SJR 24, pages 89, 114  
HJR 40, pages 139, 143, Act no. 83-841

Auburn university blood drive, participants commended  
SJR 41, pages 121, 137, 141, 144, Act no. 83-807

Bennett, dr. William W., commended on retirement from university of Alabama  
SJR 39, pages 112, 137, 141, 144, Act no. 83-808

Birdsong, dr. W. E., of Jasper, commended  
HJR 17, pages 47, 60, Act no. 83-799

Bishop, senator Charles, birthday greetings  
SR 8, page 32

Brady, mrs. Lee, of Albertville, commended on 102nd birthday  
HJR 43, pages 139, 143, Act no. 83-843

Brock, mr. and mrs. James H., of Albertville, commended on 72nd wedding anniversary  
HJR 30, pages 88, 113, 134, Act no. 83-832

Camp, mr. Billy Joe, commended for supportive effort on behalf of 1983 comprehensive kindergarten act  
SR 29, page 105

Coburn, representative Tom, commended for his support of 1983 comprehensive kindergarten act  
SR 34, page 107

Courington, Pat, jr., of Albertville, commended on recent honors  
HJR 44, pages 139, 143, Act no. 83-844

Crawford, mr. and mrs. John D., on birth of a daughter  
SR 4, page 30

Daughters of charity of saint vincent de Paul, commended  
SR 18, page 79

## CONGRATULATORY (Continued)

Drake, house speaker Tom, commended for support of 1983 comprehensive kindergarten act  
SR 33, page 107

Eaton, mr. Tal, WSFA-TV cameraman, commended  
HJR 45, pages 140, 143, Act no. 83-845

Hallman, mr. and mrs. Charlie, of Guntersville, commended on contributions to Jacksonville state university  
HJR 33, pages 88, 113, 134, Act no. 83-833

Hartselle firefighters, commended on recent nomination for 1983 president's volunteer action award  
SJR 23, pages 89, 104, 123, 144, Act no. 83-817

Jones, Rhubarb, of WLWI-radio, Montgomery, commended  
SR 14, page 63

Marengo academy football team, commended on winning state championship  
SR 20, page 87

Maze, mr. Glenn L., commended on appointment as dean of instruction, Snead state junior college  
HJR 42, pages 139, 143, Act no. 83-842

McInnish, mrs. Sue, of state parent teachers association, commended  
SR 36, page 108

Montevallo high school football team, commended  
HJR 15, pages 47, 60, Act no. 83-798

Mouse, Mickey, honored for 55 years of merriment  
SJR 26, pages 98, 104, 123, 144, Act no. 83-818

Norton, mr. and mrs. Furman, of Albertville, commended on 73rd wedding anniversary  
HJR 22, pages 46, 60, Act no. 83-802

Oliver, dr. W. Charles, retiring district superintendent of the church of the Nazarene, commended  
SJR 38, pages 111, 137, 141, 144, Act no. 83-809

O'Shields, coach Hugh, of Oneonta, commended  
HJR 21, pages 48, 60, Act no. 83-801

Patrick, mr. Ferrell, commended for supportive effort on behalf of 1983 comprehensive kindergarten act  
SR 30, page 105

Redus, outfielder Gary, of Cincinnati Reds, commended  
SR 9, pages 39, 113

Richardson, Lucious "Sonny", of Jasper, commended  
HJR 18, pages 47, 60, Act no. 83-800

Rushton, mr. Bill, commended for efforts in securing water grant for Piney Ridge and Elkmont  
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Shults, coach Joe, of Cullman, commended  
SJR 37, pages 111, 137, 141, 144, Act no. 83-810



## CONGRATULATORY (Continued)

- Sims, mr. and mrs. Everette, of Albertville, commended on 73rd wedding anniversary  
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- Smith lake civic association, commended  
HJR 34, pages 88, 113, 134, Act no. 83-834
- Stanton, mr. Elvin, commended for supportive effort on behalf of 1983 comprehensive kindergarten act  
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- Vance, David, of Bessemer, for outstanding athletic achievement  
SJR 10, pages 39, 69, 80, 144, Act no. 83-804  
SR 11, page 40
- Wallace, governor George C., commended for support of 1983 comprehensive kindergarten act  
SR 32, page 106
- Watkins, Marilyn and Tommy, congratulated on birth of a daughter  
SR 42, page 131

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- "Sheriff Neil Grantham drive", portion of Alabama highway 87 designated as  
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- Additional per diem expense allowances and monthly expense allowances to legislators  
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- Adjournment  
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- Bills prepared for introduction at any regular session of the legislature must be submitted to legislative reference service for review  
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- Committee appointed to escort governor to joint session  
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- Committee appointed to notify governor and ascertain desire for joint session  
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- Joint committee created on prison system facility acquisitions  
SJR 13, page 60
- Joint committee created to assess the impact of the completion of the Tennessee-Tombigbee waterway  
SJR 6, pages 31, 116, 137, 141, 144, Act no. 83-807  
HJR 13, page 47
- Joint committee created to study construction of legislative office building  
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Joint legislative parking committee created  
HJR 7, pages 41, 58, Act no. 83-794

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HJR 28, pages 76, 97, Act no. 83-819

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**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**FOURTH**  
**EXTRAORDINARY**  
**SESSION OF 1983**

**HELD IN THE CITY OF MONTGOMERY, ALABAMA**  
**COMMENCING WEDNESDAY, NOVEMBER 30, 1983**



**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

# CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
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**JOURNAL OF THE SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**FOURTH EXTRAORDINARY SESSION**  
**OF 1983**

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**FIRST LEGISLATIVE DAY**  
**WEDNESDAY, NOVEMBER 30, 1983**

BE IT REMEMBERED, that on the 30th Day of November, A.D., 1983, George Wallace, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

**STATE OF ALABAMA**  
**PROCLAMATION**  
**BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122, of the Constitution of Alabama, 1901:

NOW, THEREFORE, I, George C. Wallace, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, State Capitol, in Montgomery, Alabama, at 5:00 p.m., on Wednesday, November 30, 1983, and I do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation to deal with gas and oil severance taxes and severance tax exemptions, relating to gas and/or oil produced from "offshore" wells, "stripper" wells, and/or coal bed methane gas production.
2. Legislation relating to certain tidelands or submerged lands which were purportedly transferred to the University of South Alabama in December of 1982, which lands are commonly referred to as "Grants Pass" but which lands encompass in excess of 7,000 acres, and other matters including resolutions or legislation relating to said lands and claims or title to said lands, or relating generally to the University of South Alabama.
3. Legislation to clarify and strengthen the powers of the State of Alabama, Department of Revenue, in the collection of taxes owed to the State of Alabama, including but not necessarily limited to legislation intended to put the State of Alabama, Department of Revenue, on a similar or equal footing with the United States Internal Revenue Service in the collection of debts from taxpayers, and geared toward increasing revenues to the State of Alabama by strengthening the powers and streamlining the procedures of the State of Alabama, Department of Revenue, so as to promote greater efficiency in the collection of taxes and to better assure that all individuals, partnerships, companies, and corporations remit their fair share of the tax burden to the State of Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor

of the State of Alabama and caused this proclamation to be attested by the Secretary of State, at the capitol, in the City of Montgomery, on this the 30th day of November, 1983.

GEORGE C. WALLACE,  
Governor.

ATTEST:

DON SIEGELMAN  
Secretary of State

Pursuant to such proclamation, at the hour of 5 o'clock P.M. on Wednesday, November 30, 1983, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable Bill Baxley, Lieutenant Governor and Presiding Officer of the Senate. McDowell Lee, Secretary was present and acted as such according to law.

### PRAYER

The Session was opened with prayer by the Reverend Larry Davis, Associate Minister, First United Methodist Church, Montgomery, Alabama.

### ROLL CALL

Present:

Senators:	Cooley	Figures	Menton
Amari	Corbett	Foshee	Mitchem
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hand	Pearson
Bedsole	Denton	Hilliard	Sanders
Bennett	Dial	Holmes	Smith (J)
Bishop	Dixon	Langford	Strong
Cabaniss	Ellis	Little	Teague

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### LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senators Aldridge, Bedford, Drinkard, and Smith (B) for today.

### RESOLUTIONS

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR  
LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Covington, Barron, and Ellis.

Senator Teague then offered the following Senate Joint Resolution, to-



wit:

**S. J. R. 2. DESIGNATING THE PLACE OF MEETING OF THE ALABAMA LEGISLATURE.**

WHEREAS, the Alabama State Capitol is to be repaired, renovated and restored beginning January 1, 1984, and

WHEREAS, Act No. 82-331 authorizes the Legislature to provide a suitable meeting place for the transaction of business while the Capitol is being repaired, renovated and restored; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the seventh floor of the Alabama Highway Department Building is hereby designated as the place of meeting for the Senate of the State of Alabama and the sixth floor of the Alabama Highway Department Building is hereby designated as the place of meeting of the Alabama House of Representatives beginning with any Session after the 1984 Regular Session. The Senate and House of Representatives will occupy the sixth and seventh floors of the Alabama Highway Department Building and any portion of the fifth floor of said building as may be needed for the transaction of any official legislative business and duties beginning January 1, 1984.

**BE IT FURTHER RESOLVED,** that the fifth, sixth and seventh floors of the Alabama Highway Department Building shall be designated and known as the Alabama State House pursuant to Act No. 82-331.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Teague then offered the following Senate Resolution, to-wit:

**S. R. 3. BE IT RESOLVED BY THE SENATE OF ALABAMA,** That there is hereby created a committee composed of three members of the Senate appointed by the Lt. Governor to advise with the Secretary of the Senate and architectural consultants on the location of the Senate Chamber and Senate offices in the Alabama Highway Department Building.

Which was adopted.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Teague, Bishop, and Foshee.

Senator Strong offered the following Senate Joint Resolution, to-wit:

**S. J. R. 4. COMMENDING THE DEMOPOLIS HIGH SCHOOL FOOTBALL TEAM FOR PARTICIPATION IN THE STATE 3A PLAY-OFFS.**

WHEREAS, the Legislature of Alabama notes with utmost commendation the participation by Demopolis High School in the State 3A Football Play-offs; and

WHEREAS, the Demopolis Tigers earned their play-off berth by virtue of a fantastic 9-1 record in regular season play; in State competition, they tucked rounds 1 and 2 under their belts with 28-0 and 27-10 victories over Hillcrest and Sylacauga High Schools, respectively, advancing to the semi-finals before losing to powerhouse Escambia County High; and

WHEREAS, leading the Tigers to such an outstanding '83 season, and to the state semi-finals, is Head Coach Fred Schoenrock, ably assisted by Coach Phillip Lolley; Coach Schoenrock, a 14-year veteran with Demopolis

High, also serves as athletic director and, in said capacity, has played a large role in the excellent athletic program afforded students at Demopolis High School; and

WHEREAS, primarily due credit, however, for this year's big football season, are the dedicated players who put forth maximum effort, working as a team, to achieve their goal; faculty, staff and students are to be commended as well for their support and encouragement throughout the entire season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Fred Schoenrock, Coach Phillip Lolley and their Demopolis High School Tigers for outstanding performance and accomplishment during the 1983 football season.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Coach Schoenrock on behalf of the team, with a copy also provided for appropriate school display.

On motion of Senator Strong, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dixon and Langford offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. DESIGNATING CERTAIN AREA IN MONTGOMERY AS PART OF "THE CAPITOL COMPLEX."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby officially designate all property located along Dexter Avenue and adjacent to Court Square in the City of Montgomery as part of the Capitol Complex. Along Dexter Avenue, the area shall include all property situated one-half block to the North of Dexter Avenue and one-half block to the South of Dexter Avenue.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the appropriate government officials that they may know of our intentions.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. CREATING A JOINT INTERIM COMMITTEE ON COUNTY GOVERNMENT.

WHEREAS, county governments provide essential services to all of Alabama's 3.9 million citizens whether they reside within the incorporated or unincorporated areas of the state; and

WHEREAS, the growth of the demands for new and expanded county services by both urban and rural citizens has reached heights never before experienced in this state; and

WHEREAS, it is essential that county governments have the necessary constitutional and statutory authority to provide the needed services and at the lowest possible cost to the taxpayers of Alabama; and

WHEREAS, the Alabama Legislature has never had an Interim Committee to study county government in Alabama and this Legislature recognizes the need to create an Interim Committee on County Government; now

therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES CONCURRING, That in order to suggest to State Legislators sound, workable and financially feasible methods of administration for Alabama's county governments, there is hereby created a Joint Interim Committee on County Government of the Legislature of Alabama, to be composed of eight (8) members of the Legislature - four (4) from the House, to be appointed by the Speaker of the House, and four (4) from the Senate, to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to completely analyze the present status of county government in Alabama and to make such recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the county governments of this state to better meet and supply the needs and demands of the citizens of this state.

In reviewing the status and laws of county governments in Alabama, the Committee shall consider but shall not limit its consideration to the following items:

(1) The functions and responsibilities of county governments in providing services and facilities to the residents of the state, and whether or not additional legislation is needed or desirable to enable counties to provide reasonable and adequate standards of services and facilities;

(2) The legal framework of county government in Alabama, the power and authority presently enjoyed by county governments heretofore granted by the Legislature, and the restrictions placed on county governments by the Legislature and whether or not there is need for legislation to broaden the powers and authority of said county governments so as to give them more freedom in fulfilling their responsibilities to the citizens of the state;

(3) The financial resources of county government in Alabama and what legislation, if any, is needed to provide more adequate financial resources for support of county governments;

(4) The impact of legislative mandates upon the financial resources of counties;

(5) The impact of industrialization and rapid suburban development on the ability of county governments to provide reasonable and adequate standards of services and facilities to Alabama citizens and what legislation is necessary or desirable to enable county governments to provide a better standard of services and facilities in a period of rapid change in areas such as industrial development, residential subdivision development, solid waste disposal, provision of utility services, personnel administration, personnel training and human resource development, law enforcement, fire protection, highway maintenance and construction, recreation and the coordination of state and federal assistance programs.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its work be finished in time for the preparation of a preliminary report to be submitted during the first week of the 1984 Regular Session of the Legislature of Alabama and a final report to be submitted during the 1984 Regular Session of the Legislature of Alabama and that as far as practicable that all meetings of the Committee be held in the State Capitol and be open to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including

reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered and authorized to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the Committee which shall be paid out of the funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Ten Thousand Dollars (\$10,000.00). The Committee shall organize itself at the first meeting and elect from among its membership a Chairman and a Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex officio members of the Committee and shall receive compensation at the rate paid other members for each day that they sit with this Committee or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Teague offered the following Senate Joint Resolution, to-wit:

**S. J. R. 7. DEVELOPMENT OF CORRECTIONAL EDUCATION  
IN NEW PRISONS.**

WHEREAS, incarceration in Alabama Prisons is an increasing burden to the taxpayers of Alabama; and

WHEREAS, new prisons may have to be constructed to house the increased numbers; and

WHEREAS, Correctional Education is recognized as the best deterrent to the repetition of criminal activity resulting in individuals returning to prison; and

WHEREAS, it is recognized that the success rate of Alabama programs is eighty-five percent while the national success of all prisons to keep released offenders working, paying taxes, and providing for themselves and their families is only thirty-five percent; and

WHEREAS, all two-year colleges providing Correctional Education are accredited by the Southern Association of Colleges and Schools; and

WHEREAS, J. F. Ingram State Technical College was recognized by the U. S. Department of Education in the Summer of 1980, as one of the ten most successful programs in the United States and was recently revisited by Mr. Bernard B. O'Hayre, Director of Corrections Program, U. S. Department of Education, who confirmed that the high quality of Ingram's program remains intact; and

WHEREAS, on August 16, 1983, the U.S. Secretary of Education, T. H. Bell, signed the Correctional Education Policy Statement which insures education involvement in corrections at the National level; and

WHEREAS, all institutions have active Citizen Advisory Councils to insure quality programs and assurance to the taxpayers that their concerns are protected; and

WHEREAS, on March 16, 1982 (Action Item No. G-1), the State Board of Education responded to its Prison Education Study Committee's recommendations and established Jurisdictional Responsibility for Prison Education in Alabama; and

WHEREAS, these Jurisdictional Responsibilities are still valid and effective; and

WHEREAS, on April 28, 1983 (Action Item No. 6), the State Board of Education authorized programs at West Jefferson and St. Clair Correctional institutions; and

WHEREAS, it is recognized that thirty-five percent of the population in each major correctional institution should be enrolled in educational programs, thereby, providing manpower to perform tasks for operation of prisons and allowing most incarcerated persons to enroll prior to release; and

WHEREAS, the Governor, through the Department of Economic and Community Affairs, has provided some CETA and JTPA start-up funds for programs at West Jefferson and St. Clair; and

WHEREAS, ninety-eight percent of the State prisoners will be released and those communities to which the released prisoners will return deserve to have them come back with employable skills, a desire to work, ability to provide for themselves and pay taxes, and possessing respect for the rules of society:

NOW, THEREFORE, BE IT RESOLVED, That the legislature wishes the State Board of Education to direct that J. F. Ingram State Technical College, Alexander City State Junior College, Atmore State Technical College, and Jefferson Davis State Junior College develop programs for prisons in their jurisdictions as rapidly as funds (from any source) can be secured; and

BE IT FURTHER RESOLVED, That when temporary start-up funds (such as CETA and JTPA) are no longer available, student enrollment credit and contact hours for approved courses will be counted in formula calculations for following year's allocation.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

### INTRODUCTION OF BILLS

Upon the call of the districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Teague:

S. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

Committee on Buildings and Grounds.

By Senator Teague:

S. 2. To amend Code of Alabama, 1975, Sections 16-55-1, 16-55-2, 16-55-3, 16-55-5, 16-55-6, 16-55-7, 16-55-8, and 16-55-9 so as to reconstitute the Board of Trustees, clarify the duties and responsibilities thereof, and pro-

vides for an effective date.

Committee on Education.

By Senator Teague:

S. 3. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

Committee on Education.

By Senators Teague and Goodwin:

S. 4. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same.

Committee on Finance and Taxation.

By Senator Teague:

S. 5. To amend Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama, as amended, which act relates to the power of counties to issue warrants to finance the costs of necessary public buildings, bridges and roads; to authorize each county in the State of Alabama to sell and issue from time to time warrants for the purpose of paying the costs of acquiring (by construction, purchase or otherwise) public facilities which such county is authorized to acquire by laws other than this act; to define public facilities and other particular terms used in the substantive provisions of this act; to authorize the county commission of each county issuing warrants pursuant to the provisions of this act to determine whether such warrants shall be general obligations of such county or limited obligations payable solely from a specified source; to authorize such county commission to determine, within the constraints of this act, the terms and conditions of such warrants; to provide that certain taxes, revenues and other funds may be pledged as additional security for general obligation warrants issued under the provisions of this act; to provide that certain taxes, revenues and other funds may be pledged as the sole source of payment for limited obligation warrants issued under the provisions of this act; to specify the effect and priority of any such pledges; to authorize the issuance of refunding warrants and to specify the nature of the debt that may be refunded thereby; to provide that warrants issued under the provisions of this act shall be legal investments; to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county; to provide that the provisions of this act shall control over inconsistent provisions of other laws; and to provide that the provisions of this act shall be severable.

Committee on Governmental Affairs.

By Senators Covington, Dial, Foshee, Barron, Holmes, and Corbett:

S. 6. Relating to legislative compensation and to provide that any increase in legislative compensation cannot exceed the accumulated cost of living increase since the date of the last increase in compensation.

Committee on Governmental Affairs.

By Senators Cabaniss, Dixon, Covington, Foshee, and deGraffenried:

S. 7. Proposing an amendment to the Constitution of 1901, relating to legislative compensation and expense allowances.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senators Little, Denton, Parsons, Foshee, Dixon, Covington, Dial, Holmes, Corbett, deGraffenried, Hand, Barron, Goodwin, Ellis, Teague, Bedsole, Strong, Cabaniss, Figures, Menton, and Bailey:

S. 8. To provide that legislative compensation shall be voted on by a recorded vote.

Committee on Governmental Affairs.

By Senators Little and Denton:

S. 9. To propose a Constitutional Amendment to provide that no legislature may increase the compensation of its members for the term in which they are serving.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senators Mitchem, Little, and Barron:

S. 10. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

Committee on Finance and Taxation.

By Senators Mitchem, Little, and Barron:

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a

participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Committee on Industrial Expansion,  
Economic Growth, and Jobs.

By Senators Goodwin, Teague, Menton, Bedsole, Figures, Bennett, Parsons, Ellis, Sanders, Hilliard, Holmes, Smith (J), Barron, Covington, Foshee, Langford, Dixon, Denton, Bailey, Hand, Bishop, Dial, Corbett, and Strong:

S. 12. To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2 and 40-20-8, so as to provide for a definition of "submerged lands", "offshore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 20 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; simplify the allocation process and provide for an effective date.

Committee on Finance and Taxation.

By Senator Hilliard:

S. 13. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, bearing compound interest or no interest, computed and payable at such time or times as may be provided, or at a discount equivalent to compound interest, and that this act is declarative of existing law.

Committee on Judiciary.

By Senator Corbett:

S. 14. To amend Section 40-21-82.1, Code of Alabama 1975, which provides for certain exemptions from the utility gross receipts tax, so as to include the Ladonia-Crawford Water and Fire Protection Authority within the exemptions.

Committee on Finance and Taxation.



By Senator Bailey:

S. 15. To amend sections 13A-8-1 and 13A-8-2, Code of Alabama 1975, relating to the definitions and the offense of theft of property, so as to broaden the definitions and the offense to include failure to return rented or leased personal property or to allow the taking of such property by the lawful owner, under certain circumstances.

Committee on Judiciary.

By Senator Dial:

S. 16. Relating to military affairs and civil defense; amending: Section 31-2-8, Code of Alabama 1975, relating to the organization of the state guard; Section 31-2-9, Code of Alabama 1975, pertaining to the separate powers of the governor and adjutant general over the guard separate from federal control; and Section 31-2-10 relating to appropriations for the state guard, so as to change the name from state guard to state defense force and to authorize the governor to call the state defense force into temporary action.

Committee on Military Affairs.

By Senator Denton:

S. 17. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may abolish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

Committee on Governmental Affairs.

By Senators Dixon, Corbett, Foshee, Little, Dial, and Covington:

S. 18. To make a supplemental appropriation to the Ethics Commission from the State General Fund for the fiscal year ending September 30, 1984.

Committee on Finance and Taxation.

By Senators Dixon, Covington, and Cabaniss:

S. 19. Proposing an amendment to the Constitution of 1901, relating to legislative compensation and expense allowances.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator Hilliard:

S. 20. To amend Section 13A-5-9 of the Code of Alabama 1975, relating to punishment for habitual offenders, so as to provide further for punishment of such offenders.

Committee on Judiciary.

By Senator deGraffenried:

S. 21. To amend Act 82-514, The Revised Alabama Professional Corporation Act, by amending Sections 10 and 24 to determine the date of disqualification of shareholders and to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama, to continue.

Committee on Small Business.

By Senators Parsons and Hilliard:

S. 22. To amend Section 36-21-2, Code of Alabama 1975, relating to subsistence allowance for certain state law enforcement officers, so as to include court bailiffs; to provide that such subsistence shall be cumulative to any and all other compensation now received by bailiffs and specifically Section 12-17-311, Code of Alabama 1975.

Committee on Finance and Taxation.

By Senator Cooley:

S. 23. To require that zoning changes relating to certain mental or penal institutions must be approved by the local elected governing body and to provide certain application dates.

Committee on Governmental Affairs.

By Senator Cooley:

S. 24. To exempt the Benedictine Manor, Inc., of Cullman, Alabama, from all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Cooley:

S. 25. Relating to Class 3 municipalities, so as to require that all zoning variances in residential areas must be approved by the municipal governing body prior to being implemented.

Committee on Governmental Affairs.

By Senator Cooley:

S. 26. To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in con-

tempt of court; and, further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Committee on Judiciary.

By Senator Smith (J):

S. 27. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

Committee on Judiciary.

By Senator Smith (J):

S. 28. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

Committee on Judiciary.

By Senator deGraffenried:

S. 29. To amend Section 8-6-3, Code of Alabama 1975, relating to broker-dealers to provide further for the regulation of brokers and dealers.

Committee on Judiciary.

By Senator Hilliard:

S. 30. To amend Section 33-5-24, Code of Alabama 1975, relating to prohibited operations of certain vessels, so as to provide for the legal level of intoxication; to provide for implied consent to a chemical test; and to provide a hearing and appellate in process in the event of suspending the privilege to operate a motor boat.

Committee on Judiciary.

By Senator Hilliard:

S. 31. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity, to provide for the treatment of the husband of a woman who has been the subject of artificial insemination, with his consent, as the natural father of a child born thereof; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selec-

tion of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide that an action to determine paternity for the purposes of support may be brought at any time prior to the child's 19th birthday; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Committee on Judiciary.

By Senator Smith (J):

S. 32. Proposing an amendment to the Constitution of 1901, relating to legislative compensation.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator Smith (J):

S. 33. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-8-114, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

Committee on Judiciary.

By Senator Smith (J):

S. 34. To state the legislative intent; to amend Section 20-2-54, Code of Alabama 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and/or amphetamine like anorectic drug or compound and/or any sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, Sections 20-2-24 and 20-2-25 of the Code of Alabama 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend Section 34-24-360, Code of Alabama 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimatic amine drug or com-

pound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, Sections 20-2-24 and 20-2-25 of the Code of Alabama 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

Committee on Health and Welfare.

By Senators Sanders and Figures:

S. 35. To prescribe that except for the disability of blindness, no person shall be denied a hunting license solely because such person is physically handicapped or disabled.

Committee on Agriculture, Conservation,  
and Forestry.

### MOTION TO ADJOURN

Senator Teague moved that when the Senate adjourns today, it adjourn to meet again on Thursday, December 1, 1983, at 11:00 o'clock A.M., which motion was adopted.

### MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Roy Johnson:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has appointed as a committee on the part of the House Reps. Newman, Goodwin, and Buskey, John.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Teague, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Covington, Barron, and Ellis.

**RESOLUTIONS**

Senator Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. TO AMEND AND REENACT ACT NO. 79-43, HJR 19 OF THE FIRST SPECIAL SESSION 1979 (ACTS 1979, PAGE 61) WHICH RELATES TO THE CREATION OF A CONTINUING JOINT COMMITTEE ON AGRICULTURE, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED ANNUAL EXPENDITURES OF THE COMMITTEE.

“BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be a joint study committee on agriculture, which shall be a continuing committee to make a study of the condition of agriculture and conservation in the state, hold hearings and inquire into ways and means of improving conditions in the field of agriculture and conservation in the state. The committee shall make a report to the legislature before the 25th legislative day of all future regular sessions of the legislature.

“BE IT FURTHER RESOLVED, That the committee shall consist of the members of the House Committee on Agriculture, and Forestry and the Senate Committee on Agriculture, Conservation and Forestry and certain members of the Legislature, as appointed by the Speaker of the House and the Lieutenant Governor. The chairman of the Senate Committee on Agriculture, Conservation and Forestry shall serve as the Chairman of this committee, and the Chairman of the House Committee on Agriculture and Forestry shall serve as Vice-Chairman. The chairman of the committee shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. The total expenditures of the committee shall not exceed ten thousand dollars per year, inclusive of per diem legislative pay and travel expenses, provided no member shall be paid for any day that they do not meet. Any out-of-state travel must be approved by the Governor. The Secretary of the Senate shall provide secretarial and stenographic assistance and postage as required. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature.”

Which was read and referred to the Standing Committee on Rules.

Senator Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. DIRECTING THAT ALL LOCAL LEGISLATION BILLS PREPARED FOR INTRODUCTION AT ANY SESSION OF THE LEGISLATURE MUST BE SUBMITTED TO THE LEGISLATIVE REFERENCE SERVICE FOR REVIEW OF FORM.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That effective in January 1984, drafts of all local legislation bills which are for introduction at any Session of the Legislature, and which are not prepared by the Legislative Reference

Service, must be presented to the Legislative Reference Service for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Foshee then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 10. JOINT INTERIM COMMITTEE TO STUDY PARKING FACILITIES IN CAPITOL COMPLEX.**

WHEREAS, there is an urgent need for expanded parking facilities in the state capitol complex area in Montgomery, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee, which shall be named the "Joint Interim Parking Facility Study Committee," which shall study the feasibility of expanding the parking facilities in the state capitol complex in Montgomery. The committee shall be composed of six (6) members; three (3) senate members appointed by the Lieutenant Governor and three (3) house members appointed by the Speaker. The committee shall select from among its number a chairman, and shall meet upon the chairman's call. The committee shall report its findings and suggestions to the Legislature not later than the fifth (5th) legislative day of the 1985 Regular Session.

Members shall receive the normal legislative compensation, expense allowance and per diem for each day they meet, provided that they shall not be paid while the legislature is in session. It is also further provided that in no event shall the total expenses of the committee exceed \$1,000. The clerk of the house and secretary of the senate shall provide such materials and clerical help as are required for the committee to conduct its meetings.

Which was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**S. J. R. 2. DESIGNATING THE PLACE OF MEETING OF THE ALABAMA LEGISLATURE.**

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

**H. J. R. 3. BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That when we adjourn today, Wednesday, November 30, 1983, we adjourn to meet again on Thursday, December 1, 1983; Tuesday, December 6, 1983;

Wednesday, December 7, 1983; and Thursday, December 8, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 3, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 4. COMMENDING THE DEMOPOLIS HIGH SCHOOL FOOTBALL TEAM FOR PARTICIPATION IN THE STATE 3A PLAY-OFFS.

Also:

S. J. R. 6. CREATING A JOINT INTERIM COMMITTEE ON COUNTY GOVERNMENT.

Also:

S. J. R. 7. DEVELOPMENT OF CORRECTIONAL EDUCATION IN NEW PRISONS.

JOHN W. PEMBERTON,  
Clerk.

### ADJOURNMENT

At 6:20 P.M., on motion of Senator Goodwin, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, December 1, 1983, at 11:00 o'clock A.M.



**FOURTH EXTRAORDINARY SESSION  
2nd Day**

21

**SECOND LEGISLATIVE DAY  
THURSDAY, DECEMBER 1, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Edward Johnson, Minister, First Presbyterian Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Cooley	Figures	Menton
Amari	Corbett	Foshee	Mitchem
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hand	Sanders
Bedsole	Denton	Hilliard	Smith (J)
Bennett	Dial	Holmes	Strong
Bishop	Dixon	Langford	Teague
Cabaniss	Ellis	Little	

—30

**JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Aldridge, Bedford, Drinkard, Pearson, and Smith (B) for today.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**H. J. R. 2. NOTIFYING THE GOVERNOR THAT THE LEGISLATURE IS NOW IN SESSION AND IS READY FOR THE TRANSAC-**

TION OF BUSINESS.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 2. DESIGNATING THE PLACE OF MEETING OF THE ALABAMA LEGISLATURE.

Also:

S. J. R. 4. COMMENDING THE DEMOPOLIS HIGH SCHOOL FOOTBALL TEAM FOR PARTICIPATION IN THE STATE 3A PLAY-OFFS.

Also:

S. J. R. 6. CREATING A JOINT INTERIM COMMITTEE ON COUNTY GOVERNMENT.

Also:

S. J. R. 7. DEVELOPMENT OF CORRECTIONAL EDUCATION IN NEW PRISONS.

CHARLES BISHOP,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Parsons:

S. 36. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending § 41-22-3, Code of Alabama 1975,

relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of §§ 41-22-12 through 41-22-21, Code of Alabama 1975, tax assessments, determinations, redeterminations and appeals, and related procedures and adjudicative proceedings which are governed by Title 40, Code of Alabama 1975 and which are governed by Article 7, Chapter 4, Title 25, Code of Alabama 1975 and certain pardon and parole hearings; by amending § 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice; by amending § 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending § 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending § 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending § 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending § 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending § 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending § 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; amending §§ 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

By Senator Teague:

S. 37. To amend Section 9-13-63, Code of Alabama 1975, which provides for the maintaining of records of purchases of manufactured forest products, so as to increase the penalty for failure to maintain such records.

Committee on Agriculture, Conservation,  
and Forestry.

By Senator Langford:

S. 38. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Committee on Governmental Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Clark (W.), Buskey (James), Thomas, Black, Bryant, Buskey (John), Grayson, McDowell, Escott, Perdue, Spratt, and Reed:

H. J. R. 5. COMMENDING JOEL HAVEN HILL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

By Reps. Kennedy, Clark (W.), Buskey (James), Thomas, Black, Bryant, Buskey (John), Grayson, McDowell, Escott, Perdue, Spratt, and Reed:

H. J. R. 6. COMMENDING MISS REGINA M. QUICK FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

By Reps. Kennedy, Clark (W.), Buskey (James), Thomas, Black, Bryant, Buskey (John), Grayson, McDowell, Escott, Perdue, Spratt, and Reed:

H. J. R. 7. COMMENDING MISS SHERON J. ROSE FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

By Reps. Kennedy, Clark (W.), Buskey (James), Thomas, Black, Bryant, Buskey (John), Grayson, McDowell, Escott, Perdue, Spratt, and Reed:

H. J. R. 8. COMMENDING MISS ALICE MARSHALL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

By Rep. Blake:

H. J. R. 9. COMMENDING MRS. BERTIE EDGE, 1983 SAINT

CLAIR COUNTY COWBELLE OF THE YEAR.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 5, 6, 7, 8, and 9, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 8. TO AMEND AND REENACT ACT NO. 79-43, H. J. R. 19 OF THE FIRST SPECIAL SESSION 1979 (ACTS 1979, PAGE 61) WHICH RELATES TO THE CREATION OF A CONTINUING JOINT COMMITTEE ON AGRICULTURE, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED ANNUAL EXPENDITURES OF THE COMMITTEE.

On motion of Senator Bailey, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 10. JOINT INTERIM COMMITTEE TO STUDY PARKING FACILITIES IN CAPITOL COMPLEX.

On motion of Senator Foshee, the Resolution was then adopted by the Senate.

### RECESS

At 11:45 A.M., on motion of Senator Foshee, the Senate took a recess until 1:00 o'clock P.M.

The recess period having expired, at 1:00 o'clock P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

### POINT OF PERSONAL PRIVILEGE

Senators Bedsole and Hand requested and received unanimous consent to have their names removed as co-sponsors of the Bill, S. B. 12.

### REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Teague and Goodwin:

S. 4. The purpose of this Act is to increase revenue and promote com-

pliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same.

By Senators Mitchem, Little, and Barron:

S. 10. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principle amount.

By Senators Goodwin, Teague, Menton, Figures, Bennett, Parsons, Ellis, Sanders, Hilliard, Holmes, Smith (J), Barron, Covington, Foshee, Langford, Dixon, Denton, Bailey, Bishop, Dial, Corbett, and Strong:

S. 12. To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2, and 40-20-8, so as to provide for a definition of "submerged lands", "offshore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 20 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; simplify the allocation process and provide for an effective date.

By Senators Dixon, Corbett, Foshee, Little, Dial, and Covington:

S. 18. To make a supplemental appropriation to the Ethics Commission from the State General Fund for the fiscal year ending September 30, 1984.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hilliard:

S. 13. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, bearing compound interest or no interest, computed and payable at such time or times as may be provided, or at a discount equivalent to compound interest, and that this act is declarative of existing law.

By Senator Hilliard:

S. 20. To amend Section 13A-5-9 of the Code of Alabama 1975, relating to punishment for habitual offenders, so as to provide further for punishment of such offenders.

By Senator deGraffenried:

S. 29. To amend Section 8-6-3, Code of Alabama 1975, relating to broker-dealers to provide further for the regulation of brokers and dealers.

By Senator Cooley:

S. 26. To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

By Senator Bailey:

S. 15. To amend sections 13A-8-1 and 13A-8-2, Code of Alabama 1975, relating to the definitions and the offense of theft of property, so as to broaden the definitions and the offense to include failure to return rented or leased personal property or to allow the taking of such property by the lawful owner, under certain circumstances.

By Senator Smith (J):

S. 28. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Substitute):

S. 31. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity, to provide for the treatment of the husband of a woman who has been the subject of artificial insemination, with his consent, as the natural father of a child born thereof; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising

jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide that an action to determine paternity for the purposes of support may be brought at any time prior to the child's 19th birthday; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 33. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-8-114, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

By Senator Hilliard:

S. 30. To amend Section 33-5-24, Code of Alabama 1975, relating to prohibited operations of certain vessels, so as to provide for the legal level of intoxication; to provide for implied consent to a chemical test; and to provide a hearing and appellate in process in the event of suspending the privilege to operate a motor boat.

By Senator Smith (J):

S. 27. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calen-



dar, to-wit:

By Senator Teague:

S. 5. To amend Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama, as amended, which act relates to the power of counties to issue warrants to finance the costs of necessary public buildings, bridges and roads; to authorize each county in the State of Alabama to sell and issue from time to time warrants for the purpose of paying the costs of acquiring (by construction, purchase or otherwise) public facilities which such county is authorized to acquire by laws other than this act; to define public facilities and other particular terms used in the substantive provisions of this act; to authorize the county commission of each county issuing warrants pursuant to the provisions of this act to determine whether such warrants shall be general obligations of such county or limited obligations payable solely from a specified source; to authorize such county commission to determine, within the constraints of this act, the terms and conditions of such warrants; to provide that certain taxes, revenues and other funds may be pledged as additional security for general obligation warrants issued under the provisions of this act; to provide that certain taxes, revenues and other funds may be pledged as the sole source of payment for limited obligation warrants issued under the provisions of this act; to specify the effect and priority of any such pledges; to authorize the issuance of refunding warrants and to specify the nature of the debt that may be refunded thereby; to provide that warrants issued under the provisions of this act shall be legal investments; to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county; to provide that the provisions of this act shall control over inconsistent provisions of other laws; and to provide that the provisions of this act shall be severable.

By Senators Little, Denton, Parsons, Foshee, Dixon, Covington, Dial, Holmes, Corbett, deGraffenried, Hand, Barron, Goodwin, Ellis, Teague, Bedsole, Strong, Cabaniss, Figures, Menton, and Bailey:

S. 8. To provide that legislative compensation shall be voted on by a recorded vote.

By Senator Denton:

S. 17. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may abolish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Cooley (With Substitute):

S. 23. To require that zoning changes relating to certain mental or penal institutions must be approved by the local elected governing body and

to provide certain application dates.

Senator deGraffenried, Chairperson of the Standing Committee on Constitutional Revision, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Cabaniss, Dixon, Covington, Foshee, and deGraffenried:

S. 7. Proposing an amendment to the Constitution of 1901, relating to legislative compensation and expense allowances.

The above Bill was read a second time at length as required by the Constitution.

By Senator Smith (J):

S. 32. Proposing an amendment to the Constitution of 1901, relating to legislative compensation.

The above Bill was read a second time at length as required by the Constitution.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Sanders and Figures:

S. 35. To prescribe that except for the disability of blindness, no person shall be denied a hunting license solely because such person is physically handicapped or disabled.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 2. To amend Code of Alabama, 1975, Sections 16-55-1, 16-55-2, 16-55-3, 16-55-5, 16-55-6, 16-55-7, 16-55-8, and 16-55-9 so as to reconstitute the Board of Trustees, clarify the duties and responsibilities thereof, and provide for an effective date.

By Senator Teague:

S. 3. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

Senator Barron, Vice-Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 34. To state the legislative intent; to amend Section 20-2-54, Code

of Alabama 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and/or amphetamine like anorectic drug or compound and/or any sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, Sections 20-2-24 and 20-2-25 of the Code of Alabama 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend Section 34-24-360, Code of Alabama 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, Sections 20-2-24 and 20-2-25 of the Code of Alabama 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

Senator Covington, Vice-Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Little, and Barron:

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund

of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Amendment):

S. 21. To amend Act 82-514, The Revised Alabama Professional Corporation Act, by amending Sections 10 and 24 to determine the date of disqualification of shareholders and to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama, to continue.

Senator Dial, Chairperson of the Standing Committee on Military Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Dial:

S. 16. Relating to military affairs and civil defense; amending: Section 31-2-8, Code of Alabama 1975, relating to the organization of the state guard; Section 31-2-9, Code of Alabama 1975, pertaining to the separate powers of the governor and adjutant general over the guard separate from federal control; and Section 31-2-10 relating to appropriations for the state guard, so as to change the name from state guard to state defense force and to authorize the governor to call the state defense force into temporary action.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable

report, to-wit:

H. J. R. 3. RELATING TO MEETING DAYS OF LEGISLATURE.

On motion of Senator Denton, the Resolution was then concurred in and adopted by the Senate.

MOTION TO ADJOURN

Senator Denton moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, December 6, 1983, at 2:00 o'clock P.M.

Senator Teague offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Tuesday, December 6, 1983, at 10:00 o'clock A.M., which motion was adopted.

RESOLUTION

Senator Bedsole offered the following Senate Resolution to-wit:

S. R. 11. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 1 AND S. B. 1 OF THE 1983 4TH SPECIAL SESSION.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them to give their written opinions of the following important constitutional questions which have arisen concerning the pending H. B. 1 and S. B. 1 of the 1983 4th Special Session which pertains to declaring "null and void, and of no force and effect" a "certain deed of conveyance. . . ." executed by a former Governor of the State of Alabama of certain described property to the University of South Alabama, It has come to the knowledge of this body that, inter alia, the property or a portion thereof has been the subject of a pending action in the Mobile County Circuit Court, the University of South Alabama vs. State of Alabama, ex rel, et al., C. V. No. 83-500075, filed February 16, 1983.

Copies of said bill are attached to this resolution and made a part hereof by reference.

1. Would the enactment of said pending H. B. 1 and S. B. 1 constitute a violation of Section 43 of the Constitution of 1901 and the separation of powers?

2. Would the enactment of said pending H. B. 1 and S. B. 1 constitute violations of the due process clauses of the United States Constitution and the Constitution of 1901?

3. Would the enactment of said pending H. B. 1 and S. B. 1 constitute a violation of Section 22 of the Constitution of 1901?

4. Would the enactment of said pending H. B. 1 and S. B. 1 constitute a violation of Section 23 of the Constitution of 1901?

5. Would the enactment of said pending H. B. 1 and S. B. 1 constitute the passage of a bill local in nature without notice and proof in violation of Sections 104 (16), 104 (18), 105, 106 and 110 as amended, of the Constitution of 1901, or any one of them?

RESOLVED FURTHER, That the clerk of the House is hereby directed to send sufficient copies of the pending H. B. 1 and S. B. 1, with attachments, to the Clerk of the Supreme Court of Alabama and to transmit

this request to the Justices forthwith upon adoption of this Resolution.

Which was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Smith, Moore, Parker, Johnson (Roy), Holley, McKee, Payne, Boles, Carter, Blake, Butler, Venable, Poole, Brakefield, Adams, Albright, Bachus, Beers, Biddle, Black, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Warren, White, (F), White, (G), White, (L) and Zoghby:

#### H. J. R. 16. EXPRESSING SUPPORT OF GOVERNOR WALLACE REGARDING HIS ACTION CONCERNING JAMES M. FAIL.

WHEREAS, the Alabama Legislature notes the recently announced stand of Governor George C. Wallace concerning James Manasco Fail; and

WHEREAS, James Fail was indicted in 1976 for securities fraud from the failure of Modern Home Life Insurance Company; the failure left thousands of Alabama citizens holding worthless policies; and

WHEREAS, having pleaded guilty and paying a \$1 million cash settlement, he then signed an agreement not to do business in the state; and

WHEREAS, ignoring the aforementioned binding agreement, James Fail has twice attempted to return to business in Alabama: and

WHEREAS, recently Governor George Wallace has directed the State Insurance Commissioner to make James Manasco Fail abide by the plea-bargaining agreement to never do business in Alabama again; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily support the Governor's stand concerning James M. Fail and direct that he receive a copy of this resolution that he may know of our intentions.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 16, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### RESOLUTION

Senator Hilliard offered the following Senate Resolution, to-wit:

S. R. 12. EXPRESSING THE LEGISLATURE'S SUPPORT OF AL-

**FOURTH EXTRAORDINARY SESSION**  
**2nd Day**

35

**ABAMA HEALTH FAIR.**

Which was adopted.

**ADJOURNMENT**

At 2:00 o'clock P.M., on motion of Senator Little, in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Tuesday, December 6, 1983, at 10:00 o'clock A.M.

**THIRD LEGISLATIVE DAY  
TUESDAY, DECEMBER 6, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by Mr. Bennett Hughen, Chaplain, American Legion Department of Alabama.

**ROLL CALL**

Present:

Senators:	Covington	Foshee	Mitchem
Aldridge	deGraffenried	Goodwin	Parsons
Amari	Denton	Hand	Pearson
Bedsole	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Langford	Smith (J)
Cabaniss	Ellis	Little	Strong
Cooley	Figures	Menton	Teague
Corbett			

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**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Teague, leave of absence was granted Senators Bailey, Barron, and Bedford for today.

**MOTION TO ADJOURN**

Senator Teague moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, December 7, 1983, at 12:01 A.M., which motion was adopted.



**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 3. Relative to the meeting dates from November 30, 1983 through December 8, 1983.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**RESOLUTION**

Senator Denton offered the following Senate Resolution, to-wit:

S. R. 13. MOURNING THE DEATH OF MR. WILLIAM EARL LAIR OF CHEROKEE, ALABAMA.

Which was adopted.

**INTRODUCTION OF BILLS**

Upon the call of districts, a bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Senator Bedsole:

S. 39. To provide for a Constitutional Amendment to allow certain counties to withdraw from the State of Alabama and form a new and distinct state.

Committee on Buildings and Grounds.

The above Bill was read a first time at length as required by the Constitution.

**RESOLUTION**

Senators Goodwin, Aldridge, Amari, Bailey, Barron, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. WISHING SENATOR ROGER BEDFORD, JR., ALL GOOD WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

WHEREAS, the Legislature of Alabama expresses deep regret and concern in the illness of state Senator Roger Bedford, Jr., who is suffering from a broken neck and remains hospitalized at Carraway Methodist Medical Center in Birmingham, Alabama; and

WHEREAS, Senator Bedford's illness is an experience of shared distress by all citizens of our state who are ever mindful and deeply apprecia-

tive of the outstanding contributions Senator Bedford has made not only to the Legislature of Alabama but to all of Alabama, as well; and

WHEREAS, we are pleased to hear that the prognosis at this time is very encouraging though his complete recovery will of course take time; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely and deeply regret the illness of Senator Roger Bedford, Jr., and do most earnestly beseech his early and complete recovery in the shortest possible time.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Senator Bedford that he may know of our warm best wishes for him and for his family during his illness.

On motion of Senator Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

### CALENDAR BILL RECOMMITTED

Senator Teague moved that the Bill, S. B. 2, be removed from the calendar and recommitted to the Standing Committee on Education, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 2, recommitted to the Standing Committee on Education.

### RECESS

At 10:25 A.M., on motion of Senator Teague, the Senate took a recess until 11:00 o'clock A.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

### RESOLUTIONS

The Standing Committee on Rules offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. RELATING TO THE PRINTING OF ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the printed Acts and Journals of the Third and Fourth Special Sessions 1983 be bound with the printed Acts and Journals of any subsequent special sessions prior to the 1984 Regular Session.

On motion of Senator Bishop, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules then offered the following Senate Resolution, to-wit:

S. R. 16. RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the third legislative day of the fourth special session of 1983 only:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 1	Univ. of So. Ala., land patent	21

Senator Bedsole offered the following substitute for the Resolution, S. R. 16, to-wit:

**SUBSTITUTE FOR S. R. 16**

S. R. 16. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the third legislative day of the Fourth Special Session, 1983:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 4	Tax laws, enforcement, collection, assessment, and penalties regulations	1
S. B. 10	State Industrial Development Authority	2
S. B. 12	Oil and Gas Privilege Tax	4
S. B. 18	Supplemental appropriation to the Ethics Commission	5
S. B. 31	Alabama Uniform Parentage Act	10

**STATEMENT BY PRESIDING OFFICER**

The President and Presiding Officer of the Senate ruled that he would not allow unlimited debate but would allow reasonable discussion on procedural matters, such as debate on adoption of Special Order Calendars.

Senator Figures moved to appeal the ruling of the Chair and requested that a roll call be taken. The Chair stated the motion to be "Shall the ruling of the Chair be sustained?"

Yeas 22; Nays 3.

Yeas:

Senators	Corbett	Foshee	Mitchem
Aldridge	deGraffenried	Goodwin	Parsons
Amari	Denton	Hand	Smith (J)
Bedsole	Dial	Holmes	Strong
Bennett	Drinkard	Langford	Teague
Bishop	Ellis	Little	—22

Nays: Senators: Cabaniss, Dixon, and Figures —3

And the ruling of the Chair was sustained.

**FURTHER CONSIDERATION OF S. R. 16**

The Senate proceeded to further consideration of the Resolution, S. R. 16. The question was on the substitute offered by Senator Bedsole.

On motion of Senator Teague, said substitute was laid on the table.

Yeas 19; Nays 5.

Yeas:

Senators:	Corbett	Dixon	Goodwin
Aldridge	deGraffenried	Drinkard	Holmes
Bennett	Denton	Ellis	Langford
Bishop	Dial	Foshee	Little

Mitchem	Parsons	Smith (J)	Teague	—19
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Nays:

Senators: Bedsole	Cabaniss Figures	Hand	Strong	—5
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Senator Bedsole then offered the following substitute for the Resolution, S. R. 16, to-wit:

**SUBSTITUTE FOR S. R. 16**

S. R. 16. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the third legislative day of the Fourth Special Session, 1983:

BILL NO.	DESCRIPTION	PAGE NO.
S. 8	Legislative compensation	15
S. 7	Const. amend. relating to legislative compensation	17
S. 3	Relating to selection & purchase of textbooks etc. Ala. Inst. for Deaf & Blind.	19
S. 34	To further define Sec. 20-2-54 Code of Ala. as to excessive dispensing controlled substances	19

On motion of Senator Bishop, said substitute was laid on the table.

Yeas 18; Nays 3.

Yeas:

Senators:	Corbett	Foshee	Parsons
Aldridge	deGraffenried	Goodwin	Smith (J)
Amari	Denton	Holmes	Strong
Bennett	Dixon	Little	Teague
Bishop	Drinkard	Mitchem	—18

Nays: Senators: Bedsole, Cabaniss and Hand —3

Senator Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. RELATING TO JOINT RULE 12 OF THE TWO HOUSES OF THE ALABAMA LEGISLATURE, AMENDING SAID RULE WITH REFERENCE TO LOCAL LEGISLATION BILLS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Joint Rule 12, (d) be amended to read as follows:

“(d) The provisions of this rule shall not apply to local bills, however, effective in January 1984, drafts of all local legislation bills which are for introduction at any Session of the Legislature, and which are not prepared by the Legislative Reference Service, must be presented to the Legislative Reference Service for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.”

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

**FURTHER CONSIDERATION OF S. R. 16**

The Senate proceeded to further consideration of the Resolution, S. R. 16.

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

**RESOLUTIONS**

Senators Figures and Bedsole offered the following Senate Joint Resolution, to-wit:

**S. J. R. 18. COMMENDING MURPHY HIGH SCHOOL OF MOBILE, STATE 4A FOOTBALL CHAMPIONS FOR 1983.**

WHEREAS, Murphy High School took its place in state football history on December 2, 1983, drowning previously unbeaten Austin High, 7-0, to claim the State 4A Crown and to become Mobile's first Championship team since the playoffs were initiated in 1966; and

WHEREAS, within the rain-soaked confines of Birmingham's Legion Field, Murphy's big victory gave the Panthers a perfect 14-0 season, and the roar of their faithful fans, some 5,000 strong, echoed the length of I-65 from Birmingham South to Mobile; and

WHEREAS, leading the Murphy Cats to the playoffs and their successful bid for the 4A State Title, was Head Coach Larry Henderson whose awesome '83 team and their opponents were the first two 4A unbeaten, untied teams ever to face each other in the championship game; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING,** That we hereby most heartily congratulate and commend Coach Larry Henderson and the Murphy High School Panthers, State 4A Football Champions for 1983.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be sent to Coach Henderson on behalf of his staff and team with a copy also provided for appropriate display at Murphy High School in Mobile.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dial offered the following Senate Joint Resolution, to-wit:

**S. J. R. 19. COMMENDING THE COLLINSVILLE PANTHERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.**

WHEREAS, the Collinsville Panthers football team won the Area 12, Region 6 Class 1A Championship this past season with an outstanding 10-0 regular season record; and

WHEREAS, the 1983 Panthers were the first team with a perfect regular season record in the school's history; and

WHEREAS, this fine team advanced to the semi-finals of the state class 1A playoffs and posted an outstanding final record of 12 wins and 1 loss; and

WHEREAS, Head Coach Raymond Weaver and assistant coaches Johnny Edwards, Neil Thrash and Greg Meadows are due much credit not only for the sharp execution which this team displayed throughout the season but also for its class, courage, spirit and will to win; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the 1983 Collinsville Panthers football team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to principal Samuel Clanton, head coach Raymond Weaver, his assistant coaches and each team member.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

### **SPECIAL ORDER**

#### **BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

### **RESOLUTIONS**

Senator Little offered the following Senate Joint Resolution, to-wit:

**S. J. R. 20. EXPRESSING COMMENDATION AND SUPPORT OF THE INAUGURAL RUSSELL ATHLETIC BOWL, THE FIRST NATIONAL POP WARNER FOOTBALL CHAMPIONSHIP.**

WHEREAS, Pop Warner Football was founded in 1929 in Philadelphia, taking its name and inspiration from the legendary Coach Glenn Scobey "Pop" Warner; and

WHEREAS, Pop Warner Football consists of 401 leagues, 6213 teams in the United States and Mexico and involves more than 200,000 scholar-athlete participants; and

WHEREAS, as a national extension of this outstanding program of heretofore regional bowl games and festivities, Russell Corporation of Alexander City, Alabama, has joined forces with Pop Warner Football to create The Russell Athletic Bowl, the first ever national football championship event to promote and award academic excellence among our nation's youth; and

WHEREAS, The Russell Athletic Bowl will be an annual event with the corporation helping to establish scholarships for worthy Pop Warner athletes in recognition of their achievement and as an investment in the future of our nation; and

WHEREAS, the inaugural Russell Athletic Bowl for The Pop Warner National Academic/Football Championship will be held December 10, 1983, in Alexander City and will consist of games in the Peewee, Junior and Midget Divisions with participating teams, this first year, established according to division finish as well as scholastic standing within their 4-region areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express consensus of support, encouragement and commendation of The Russell Athletic Bowl, the first ever national Pop Warner Football Championship, an his-

toric event for the entire State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution shall be provided for Pop Warner Little Scholars, Inc., and for The Russell Corporation of Alexander City, Alabama, for their joint efforts in bringing national recognition to the youthful scholar-athletes of America.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bennett, Amari, and Cabaniss offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. CONGRATULATING BROOKWOOD MEDICAL CENTER ON ITS 10TH ANNIVERSARY.

WHEREAS, Brookwood Medical Center, the world's largest proprietary health care facility, recently celebrated its 10th anniversary; and

WHEREAS, Brookwood Medical Center grew from 288-bed community hospital to a 586-bed major referral center; and

WHEREAS, Brookwood is recognized as one of Alabama's most outstanding and best equipped hospitals, staffed by many physicians and health care professionals of national reputation; and

WHEREAS, As a strong corporate citizen of Homewood, Jefferson County, and Alabama, Brookwood last year donated 2% of its corporate income in write-offs and charity to help those less fortunate; and

WHEREAS, Brookwood, in conjunction with Birmingham-Southern College, has established a new school of nursing to help meet Alabama medical needs for decades to come; and

WHEREAS, Brookwood is a pace-setter in health care delivery including same day surgery, cancer treatment, industrial medicine, ambulatory care, pain management and fitness promotion; and

WHEREAS, Brookwood is set to expend nearly \$35 million this year on additions and renovations generating badly needed employment opportunities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature does hereby extend its most sincere congratulations to Brookwood Medical Center and its parent institution, American Medical International, on a job well done.

BE IT FURTHER RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a copy of this resolution be sent to Mr. W. Randolph Smith, administrator for Brookwood Medical Center, with every best hope for the future.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1.

#### QUORUM CALL REQUESTED

At 7:05 P.M., Senator Bedsole requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Senators:	deGraffenried	Goodwin	Parsons
Amari	Dial	Hand	Sanders
Bedsale	Dixon	Langford	Smith (J)
Bennett	Drinkard	Little	Strong
Corbett	Figures	Mitchem	Teague
Covington	Foshee		

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#### FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1.

#### ADJOURNMENT

The hour of Midnight having arrived, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of S. B. 1, the Senate adjourned until Wednesday, December 7, 1983, at 12:01 A.M.



**FOURTH EXTRAORDINARY SESSION  
4th Day**

45

**FOURTH LEGISLATIVE DAY  
WEDNESDAY, DECEMBER 7, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by Mr. Charles Moore, Deacon, Hall Memorial C.M.E. Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Corbett	Figures	Menton
Aldridge	Covington	Foshee	Mitchem
Amari	deGraffenried	Goodwin	Parsons
Barron	Denton	Hand	Sanders
Bedsole	Dial	Hilliard	Smith (B)
Bennett	Dixon	Holmes	Smith (J)
Cabaniss	Drinkard	Langford	Strong
Cooley	Ellis	Little	Teague

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**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

MAC PARSONS,  
Vice-Chairperson.

**COMMITTEE REPORT**

On motion of Senator Parsons, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Teague, leave of absence was granted Senators Bailey, Bedford, Bishop, and Pearson for today.

**RESOLUTIONS**

Senator Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. CONGRATULATING OAK GROVE HIGH SCHOOL, STATE 2A FOOTBALL CHAMPIONS FOR 1983.

WHEREAS, the Alabama Legislature extends heartiest congratulations to Oak Grove High School in west Jefferson County, 1983 State 2A Football

Champions; and

WHEREAS, under Head Coach Ronnie Gilliland, the Oak Grove Tigers ended their regular season schedule with an 8-3 record, and their championship victory, 6-3 over Cottonwood High, followed wins of 14-7, 21-7 and 22-21 over Cordova, Good Hope and Hazlewood in rounds one, two and three of the playoffs; and

WHEREAS, Oak Grove's Tigers are to be most highly praised for their outstanding performance, both individually and as a team, throughout the entire season; also to be commended are Tiger Assistant Coaches Chuck Vickers, Tim Tate, Mike Wilson, Lynn Easterling and Jim Bradley; and

WHEREAS, it is further to be noted that in addition to the State Championship, Oak Grove also captured the Dental Clinic Championship prior to the playoffs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Oak Grove High School as our State 2A Football Champions for 1983.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Gilliland, on behalf of his staff and team, with a copy also provided for appropriate school display.

Which was read and referred to the Standing Committee on Rules.

Senator Parsons then offered the following Senate Resolution, to-wit:

**S. R. 23. COMMENDING THE OAK GROVE HIGH SCHOOL TIGER BAND.**

WHEREAS, the Alabama Legislature herein expresses highest praise of the Oak Grove High School Tiger Band; and

WHEREAS, the Tiger Band is under the direction of Mr. Richard Humber who has served a total of some seven years as Band Director at Oak Grove High School in west Jefferson County; he is assisted by Mr. Ron Thacker; and

WHEREAS, 140 members strong, the Oak Grove Tiger Band has been rated Best In Class in all competition, an achievement to be recognized as exceptionally notable; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Oak Grove High School Tiger Band for its outstanding achievement of the highest ratings possible in band competition.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Band Directors Humber and Thacker, on behalf of the entire Oak Grove Tiger Band, with a copy also provided for appropriate school display.

Which was read and referred to the Standing Committee on Rules.

Senator Hilliard offered the following Senate Resolution, to-wit:

**S. R. 24. EXPRESSING THE LEGISLATURE'S SUPPORT OF ALABAMA HEALTH FAIR.**

WHEREAS, Alabama Health Fair is a multi-sponsored nonprofit organization which, with the aid of volunteers, community and health re-

sources, coordinates comprehensive screening and health education; and

WHEREAS, each health fair site offers a number of basic tests as well as an optional blood chemistry profile and all of the services, with the exception of the blood chemistry tests, are free to the participants; and

WHEREAS, Alabama Health Fair, first called Care Fair, was initiated in the Birmingham community in November of 1981 and during the 1982 Health Fair Week, 7800 participants in six counties were screened; Health Fair Week of 1983 saw the number of participants screened, in eleven counties, rise to 9200; and

WHEREAS, plans are now under way for the 1984 Health Fair Week (April 27-May 5) which will encompass fifteen Alabama counties; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we do hereby express our support of Alabama Health Fair in its efforts to provide vital health care service to citizens in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Alabama Health Fair in Birmingham, Alabama.

Which was read and referred to the Standing Committee on Rules.

### UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

Senator Bedsole offered the following amendment to the Bill, S. B. 1, to-wit:

#### AMENDMENT TO S. B. 1

Amend S. B. 1 by adding on page 1, line 20, the following to be added after the word "effect":

"except as to the grant of any and all mineral interests of a real property nature, as conveyed in that certain deed of conveyance, quit claim, land patent, or otherwise dated December 13, 1982, and recorded, Land Patents, Volume 10, page 889, in the Office of the Secretary of State, are hereby affirmed and approved.

And further amend S. B. 1 by inserting on page 1, Line 21, between the words "property" and "is", the following:

"specifically excluding any and all mineral interests therein and specifically reserving any and all mineral interests to the University of South Alabama or to its successor in title, The University of South Alabama Foundation, to such property as described in that certain deed of conveyance, quit claim, land patent, or otherwise dated December 13, 1982, and recorded, Land Patents, Volume 10, page 889, in the Office of the Secretary of State."

At 1:45 A.M., Senator Bedsole requested unanimous consent that at the hour of 2 o'clock P.M. this day, that the third reading of the Bill, S. B. 1, be put, which motion was adopted.

**RECESS**

At 1:50 A.M., on motion of Senator Bedsole, the Senate took a recess until 10 o'clock A.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

**RESOLUTIONS**

Senator Smith (J) offered the following Senate Resolution, to-wit:

**S. R. 25. COMMENDING GOVERNOR GEORGE C. WALLACE FOR HIS SUPPORT OF AND INSTRUMENTAL EFFORTS ON BEHALF OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.**

WHEREAS, Act 83-760, S. B. 2, of the 1983 Regular Session, titled the 1983 Comprehensive Kindergarten Act, is of historic significance in its positive impact on future generations of Alabama's youth, and

WHEREAS, our State's kindergarten program will now provide for each and every child in Alabama a sound foundation of readiness for grades 1-12; moreover, Act 83-760 provides a program whereby each child can attend a kindergarten on a fulltime basis as opposed to a half-day or alternate-semester schedule; and

WHEREAS, Governor George C. Wallace has long been an ardent advocate and spokesman for a comprehensive kindergarten program for the children of Alabama, and it is largely through his vigorous efforts that this new day has dawned in educational opportunity for the youth who are themselves our future; now therefore,

**BE IT RESOLVED BY THE ALABAMA SENATE,** That we herein express utmost commendation of Governor George C. Wallace for his foresight and concern, and for his personal involvement in the passage of the 1983 Comprehensive Kindergarten Act.

**BE IT FURTHER RESOLVED,** That Governor Wallace receive a copy of this resolution which we tender in gratitude and highest regard.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

**S. R. 26. COMMENDING MR. ELVIN STANTON FOR HIS SUPPORTIVE EFFORT ON BEHALF OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.**

WHEREAS, Mr. Elvin Stanton, Executive Secretary to Governor George C. Wallace, was tireless in his support and effort in helping to effect passage of the 1983 Comprehensive Kindergarten Act; and

WHEREAS, a priority goal of the Administration was to provide a full-time Kindergarten experience for each and every child in Alabama, and Mr. Stanton's role in achieving this end is to be acknowledged as instrumental; and

WHEREAS, a positive future for Alabama's kindergarten program is now assured and Mr. Stanton is to be commended for his forceful participation in the passage of this Act; now therefore,

**BE IT RESOLVED BY THE ALABAMA SENATE,** That we hereby express warmest praise and regard for Mr. Elvin Stanton and for his vital role in the attainment of the 1983 Comprehensive Kindergarten Act.

BE IT FURTHER RESOLVED, That Mr. Stanton receive a copy of this resolution tendered in deep gratitude for outstanding service on behalf of the children in Alabama.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

S. R. 27. COMMENDING MR. FERRELL PATRICK FOR HIS SUPPORTIVE EFFORT ON BEHALF OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

WHEREAS, Mr. Ferrell Patrick, Confidential Assistant to Governor George C. Wallace, was tireless in his support and effort in helping to effect passage of the 1983 Comprehensive Kindergarten Act; and

WHEREAS, a priority goal of the Administration was to provide a full-time Kindergarten experience for each and every child in Alabama, and Mr. Patrick's role in achieving this end is to be acknowledged as instrumental; and

WHEREAS, a positive future for Alabama's kindergarten program is now assured and Mr. Patrick is to be commended for his forceful participation in the passage of this Act; now therefore,

BE IT RESOLVED BY THE ALABAMA SENATE, That we hereby express warmest praise and regard for Mr. Ferrell Patrick and for his vital role in the attainment of the 1983 Comprehensive Kindergarten Act.

BE IT FURTHER RESOLVED, That Mr. Patrick receive a copy of this resolution tendered in deep gratitude for outstanding service on behalf of the children in Alabama.

Which was read and referred to the Standing Committee on Rules

Senator Smith (J) then offered the following Senate Resolution, to-wit:

S. R. 28. COMMENDING MR. BILLY JOE CAMP FOR HIS SUPPORTIVE EFFORT ON BEHALF OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

WHEREAS, Mr. Billy Joe Camp, Press Secretary to Governor George C. Wallace, was tireless in his support and effort in helping to effect passage of the 1983 Comprehensive Kindergarten Act; and

WHEREAS, a priority goal of the Administration was to provide a full-time Kindergarten experience for each and every child in Alabama, and Mr. Camp's role in achieving this end is to be acknowledged as instrumental; and

WHEREAS, a positive future for Alabama's kindergarten program is now assured and Mr. Camp is to be commended for his forceful participation in the passage of this Act; now therefore,

BE IT RESOLVED BY THE ALABAMA SENATE, That we hereby express warmest praise and regard for Mr. Billy Joe Camp and for his vital role in the attainment of the 1983 Comprehensive Kindergarten Act.

BE IT FURTHER RESOLVED, That Mr. Camp receive a copy of this resolution tendered in deep gratitude for outstanding service on behalf of the children in Alabama.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

**S. R. 29. COMMENDING HOUSE SPEAKER TOM DRAKE FOR HIS SUPPORT OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.**

WHEREAS, the 1983 Comprehensive Kindergarten Act will provide a program whereby each child in Alabama can attend kindergarten on a full-time basis rather than on a half-day or alternate-semester schedule; and

WHEREAS, with the passage of this Act, all youngsters in our State are now assured of beginning their public school education on an equal basis with their classmates and with an equal opportunity for first-grade readiness and future educational achievement; and

WHEREAS, it is highly probable, however, that this Act might never have passed had it not been for such supporters as our colleague House Speaker Tom Drake whose vigorous efforts were directly responsible for the bill's swift passage through the House of Representatives; now therefore,

**BE IT RESOLVED BY THE ALABAMA SENATE,** That we hereby most highly commend House Speaker Tom Drake for his instrumental role in the passage of the 1983 Comprehensive Kindergarten Act, and direct that he receive a copy of this resolution in expression of our deep admiration and esteem.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

**S. R. 30. COMMENDING REPRESENTATIVE TOM COBURN FOR HIS SUPPORT OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.**

WHEREAS, the 1983 Comprehensive Kindergarten Act will provide a program whereby each child in Alabama can attend kindergarten on a full-time basis rather than on a half-day or alternate-semester schedule; and

WHEREAS, with the passage of this Act, all youngsters in our State are now assured of beginning their public school education on an equal basis with their classmates and with an equal opportunity for first-grade readiness and future educational achievement; and

WHEREAS, it is highly probable, however, that this Act might never have passed had it not been for such supporters as our colleague Representative Tom Coburn whose vigorous efforts were directly responsible for the bill's swift passage through the House of Representatives; now therefore,

**BE IT RESOLVED BY THE ALABAMA SENATE,** That we hereby most highly commend Representative Tom Coburn for his instrumental role in the passage of the 1983 Comprehensive Kindergarten Act, and direct that he receive a copy of this resolution in expression of our deep admiration and esteem.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

**S. R. 31. COMMENDING MRS. SUE MCINNISH OF THE STATE PARENT TEACHERS ASSOCIATION.**

WHEREAS, it is with a sense of deep appreciation that the Alabama Senate notes the numerous contributions of Mrs. Sue McInnish, Executive

Director of the State PTA; and

WHEREAS, Sue McInnish assisted immeasurably in the passage of the 1983 Comprehensive Kindergarten Act, which provides a program whereby each child in Alabama will be able to attend kindergarten on a fulltime basis, and

WHEREAS, She was instrumental in providing the members of both houses of the legislature with the knowledge necessary for them to ascertain the importance of this piece of legislation; and

WHEREAS, due to the efforts of Sue, future generations of children will benefit from the importance of attending kindergarten; now therefore,

BE IT RESOLVED BY THE ALABAMA SENATE, That we most highly commend Mrs. Sue McInnish, Executive Director of the State Parent Teachers Association for her assistance in the passage of the 1983 Comprehensive Kindergarten Act.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Sue McInnish as evidence of our sincere and deep appreciation and warmest personal regard.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

S. R. 32. COMMENDING MR. BILL RUSHTON FOR HIS RECENT EFFORTS IN SECURING A WATER GRANT FOR PINEY RIDGE AND ELKMONT IN LIMESTONE COUNTY.

WHEREAS, It is with a sense of deep gratitude that the Senate of the Alabama Legislature notes the assistance provided by Mr. Bill Rushton of the Governor's Office in recently obtaining a water grant for Piney Ridge and Elkmont in Limestone County; and

WHEREAS, Pure drinking water should be an inalienable and fundamental right of all the citizenry of Alabama and without the assistance of Bill Rushton one segment of our population would have been denied this right; and

WHEREAS, Some people in the areas of Piney Ridge and the municipality of Elkmont are enjoying having running water for the first time in history; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we most highly commend Mr. Bill Rushton for his efforts in securing a water grant for the Piney Ridge and Elkmont areas in Limestone County.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Bill Rushton as evidence of our sincere and deep appreciation and warmest personal regard.

Which was read and referred to the Standing Committee on Rules.

#### FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1. The question was on the amendment offered by Senator Bedsole.

On motion of Senator deGraffenried, said amendment was laid on the table.

Senator Little offered the following substitute for the Bill, S. B. 1, to-wit:

### SUBSTITUTE FOR S. B. 1

#### A BILL TO BE ENTITLED AN ACT

Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama; providing for the distribution of any revenues derived from the leasing of any mineral rights on said property.

Be It Enacted by the Legislature of Alabama

Section 1. That certain deed of conveyance, quit claim, land patent, or otherwise dated December 13, 1982, and recorded, Land Patents, Volume 10, page 889, in the Office of the Secretary of State, purporting to grant title of the following described property to the University of South Alabama and any other subsequent related action or actions are hereby declared null, void, of no force or effect.

Section 2. The following property is hereby declared to be owned by the State of Alabama:

Beginning at Alabama West Zone Coordinates Y=118,606.82; X=296,291.22 which point is on or near the intersection of the North line of Section 26, Township 8 South, Range 2 West and the East shore line of Heron Bay, thence run North 77 degrees - 54 minutes - 52 seconds West a distance of 3,883.84 feet to a point on the South shore line of Mon Louis Island, (Y=119,419.98; X=292,493.47), thence run due South a distance of 20,071.04 feet to coordinates Y=99,348.94; X=292,493.47 which point is in the Mississippi Sound, thence run North 79 degrees - 40 minutes - 28 seconds East a distance of 7,805.85 feet to coordinates Y=100,748.05; X=300,172.90 which point is in the Mississippi Sound, thence run North 26 degrees - 35 minutes - 34 seconds East a distance of 4,273.18 feet to coordinates Y=104,569.17; X=302,085.78 which point is on the center line of Dauphin Island Bridge (Alabama Highway No. 163) at station 106+53.04, thence run South 67 degrees - 50 minutes - 12 seconds East a distance of 2,358.05 feet to point No. L-D-3 as shown on the plat of Harbor Lines, Dauphin Island and Little Dauphin Island as recorded in Real Property Book 617, Page 610, in the Office of the Judge of Probate of Mobile County, Alabama, thence run South 53 degrees - 14 minutes - 12 seconds East along the Harbor Line of Little Dauphin Island a distance of 12,522.99 feet to coordinates Y=96,184.54; X=314,302.02 which point is in Mobile Bay, thence run due North a distance of 8,815.46 feet to coordinates Y=105,000.00; X=314,302.02 which point is in Mobile Bay, thence run due West a distance of 7,151.01 feet to coordinates Y=105,000.00; X=307,151.01 which point is in Mobile Bay, thence run due North a distance of 15,000.00 feet to coordinates Y=120,000.00; X=307,151.01, which point is in Mobile Bay, thence run due East a distance of 834.76 feet to coordinates Y=120,000.00; X=307,985.77, which point is in Mobile Bay, thence run due North a distance of 5,945.61 feet to coordinates Y=125,945.61; X=307,985.77, which point is in Mobile Bay, thence run due West a distance of 4,646.75 feet to a point on the West shore line of Mobile Bay and the East shore line of Mon Louis Island (Y=124,945.61; X=303,339.02) thence run Southwestwardly along meanders of said East shore line of Mon Louis Island to coordinates



Y=120,000.00; X=300,000.00 (chord bears South 29 degrees - 19 minutes - 06 seconds West a distance of 6,819.04 feet) thence continue Southwardly along the meanders of the East shore line of Mon Louis Island to coordinates Y=113,374.12; X=298,664.12, which point is on station 11+69 more or less on the Northwest corner of Dauphin Island Bridge at Cedar Point (Alabama Highway No. 163) (chord bears South 11 degrees - 23 minutes - 56 seconds West a distance of 6,759.21 feet) thence run Northwestwardly along the meanders of the West shore line of Cedar Point (Mon Louis Island) to coordinates Y=116,364.22; X=296,862.69 (chord bears North 31 degrees - 04 minutes - 03 seconds West a distance of 3,490.82 feet) thence continue Northwestwardly along the meanders of said Cedar Point (Mon Louis Island) to the point of beginning (Y=118,606.82; X=296,291.22) (chord bears North 14 degrees - 17 minutes - 45 seconds West a distance of 2,314.27 feet) containing 7,664 acres more or less.

Section 3. Any and all revenues derived from the leasing of mineral rights of the aforementioned property shall be distributed to the Alabama Commission on Higher Education to be utilized exclusively as provided herein. The Commission shall develop comprehensive programs in both academic and vocational technical subjects. The long-range plan instituted by the Commission shall include teaching, scientific research and other extended services for higher education. Monies shall be disbursed to all secondary institutions by the Commission based upon the development of the long-range program.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

On motion of Senator Teague, said substitute was laid on the table.

Yeas 19; Nays 6.

Yeas:

Senators:	Covington	Ellis	Langford	
Aldridge	Denton	Foshee	Menton	
Barron	Dial	Goodwin	Parsons	
Bedsole	Dixon	Hand	Smith (J)	
Corbett	Drinkard	Holmes	Teague	—19

Nays:

Senators:	Bennett	deGraffenried	Strong	
Amari	Cabaniss	Little		—6

Senator Dixon offered the following substitute for the Bill, S. B. 1, to-wit:

### SUBSTITUTE FOR S. B. 1

#### A BILL TO BE ENTITLED AN ACT

Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama; providing for the distribution of any revenues derived from the leas-

ing of any mineral rights on said property.

Be It Enacted by the Legislature of Alabama:

Section 1. That certain deed of conveyance, quit claim, land patent, or otherwise dated December 13, 1982, and recorded, Land Patents, Volume 10, page 889, in the Office of the Secretary of State, purporting to grant title of the following described property to the University of South Alabama and any other subsequent related action or actions are hereby declared null, void, of no force or effect.

Section 2. The following property is hereby declared to be owned by the State of Alabama:

Beginning at Alabama West Zone Coordinates  $Y=118,606.82$ ;  $X=296,291.22$  which point is on or near the intersection of the North line of Section 26, Township 8 South, Range 2 West and the East shore line of Heron Bay, thence run North 77 degrees - 54 minutes - 52 seconds West a distance of 3,883.84 feet to a point on the South shore line of Mon Louis Island, ( $Y=119,419.98$ ;  $X=292,493.47$ ), thence run due South a distance of 20,071.04 feet to coordinates  $Y=99,348.94$ ;  $X=292,493.47$  which point is in the Mississippi Sound, thence run North 79 degrees - 40 minutes - 28 seconds East a distance of 7,805.85 feet to coordinates  $Y=100,748.05$ ;  $X=300,172.90$  which point is in the Mississippi Sound, thence run North 26 degrees - 35 minutes - 34 seconds East a distance of 4,273.18 feet to coordinates  $Y=104,569.17$ ;  $X=302,085.78$  which point is on the center line of Dauphin Island Bridge (Alabama Highway No. 163) at station 106+53.04, thence run South 67 degrees - 50 minutes - 12 seconds East a distance of 2,358.05 feet to point No. L-D-3 as shown on the plat of Harbor Lines, Dauphin Island and Little Dauphin Island as recorded in Real Property Book 617, Page 610, in the Office of the Judge of Probate of Mobile County, Alabama, thence run South 53 degrees - 14 minutes - 12 seconds East along the Harbor Line of Little Dauphin Island a distance of 12,522.99 feet to coordinates  $Y=96,184.54$ ;  $X=314,302.02$  which point is in Mobile Bay, thence run due North a distance of 8,815.46 feet to coordinates  $Y=105,000.00$ ;  $X=314,302.02$  which point is in Mobile Bay, thence run due West a distance of 7,151.01 feet to coordinates  $Y=105,000.00$ ;  $X=307,151.01$  which point is in Mobile Bay, thence run due North a distance of 15,000.00 feet to coordinates  $Y=120,000.00$ ;  $X=307,151.01$ , which point is in Mobile Bay, thence run due East a distance of 834.76 feet to coordinates  $Y=120,000.00$ ;  $X=307,985.77$ , which point is in Mobile Bay, thence run due North a distance of 5,945.61 feet to coordinates  $Y=125,945.61$ ;  $X=307,985.77$ , which point is in Mobile Bay, thence run due West a distance of 4,646.75 feet to a point on the West shore line of Mobile Bay and the East shore line of Mon Louis Island ( $Y=125,945.61$ ;  $X=303,339.02$ ) thence run Southwestwardly along meanders of said East shore line of Mon Louis Island to coordinates  $Y=120,000.00$ ;  $X=300,000.00$  (chord bears South 29 degrees - 19 minutes - 06 seconds West a distance of 6,819.04 feet) thence continue Southwestwardly along the meanders of the East shore line of Mon Louis Island to coordinates  $Y=113,374.12$ ;  $X=298,664.12$ , which point is on station 11+69 more or less on the Northwest corner of Dauphin Island Bridge at Cedar Point (Alabama Highway No. 163) (chord bears South 11 degrees - 23 minutes - 56 seconds West a distance of 6,759.21 feet) thence run Northwestwardly along the meanders of the West shore line of Cedar Point (Mon Louis Island) to coordinates  $Y=116,364.22$ ;  $X=296,862.69$  (chord bears North 31 degrees - 04 minutes - 03 seconds West a distance of 3,490.82 feet) thence continue Northwestwardly along the meanders of said Cedar Point (Mon Louis Island) to the point beginning ( $Y=118,606.82$ ;  $X=296,291.22$ )

(chord bears North 14 degrees - 17 minutes - 45 seconds West a distance of 2,314.27 feet) containing 7,664 acres more or less.

Section 3. Any and all revenues derived from the leasing of mineral rights of the aforementioned property shall be distributed to the Alabama Heritage Trust Fund as established by Amendment No. 394 to the Constitution of Alabama of 1901.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Teague, said substitute was laid on the table.

Yeas 19; Nays 7.

*Yeas:*

Senators:	Corbett	Goodwin	Parsons	
Aldridge	Covington	Holmes	Sanders	
Barron	Denton	Langford	Smith (B)	
Bedsole	Ellis	Menton	Smith (J)	
Bennett	Foshee	Mitchem	Teague	—19

*Nays:*

Senators:	Cabaniss	Dial	Hand	
Amari	deGraffenried	Dixon	Little	—7

#### TIME CERTAIN RECONSIDERED

At 11:40 A.M., Senator Teague requested and received unanimous consent to reconsider the time certain of 2 o'clock P.M. for the vote on the third reading of the Bill, S. B. 1.

On motion of Senator Teague, the time certain of 2 o'clock P.M. was changed to 12:30 P.M., which motion was adopted.

#### FURTHER CONSIDERATION OF S. B. 1.

The Senate proceeded to further consideration of the Bill, S. B. 1.

#### TIME CERTAIN RECONSIDERED

At 12:05 P.M., Senator Teague requested and received unanimous consent to reconsider the time certain of 12:30 P.M. for the vote on the third reading of the Bill, S. B. 1.

On motion of Senator Teague, the time certain of 12:30 P.M. was changed to 12:06 P.M., which motion was adopted.

#### FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1.

And said Bill, S. B. 1, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 5.

*Yeas:*

<b>Sensors:</b>	Denton	Foshee	Little	
Aldridge	Dial	Goodwin	Parsons	
Amari	Dixon	Hilliard	Sanders	
Cabaniss	Drinkard	Holmes	Smith (J)	
Covington	Ellis	Langford	Teague	
deGraffenried				—20

*Nays:*

<b>Sensors:</b>	Corbett	Hand	Strong	
Bedsole	Figures			—5

### ELECTION OF MEMBERS TO BUILDING COMMISSION

The Senate proceeded to the election of Senate members to the Building Commission.

Senator Little nominated Senators Foshee, Mitchem, Denton, and Barron.

On motion of Senator Bedsole, the nominations to the Building Commission were closed.

On motion of Senator Little, Senator Foshee was elected as a member of the Building Commission.

Yeas 27; Nays 0.

*Yeas:*

<b>Sensors:</b>	Covington	Foshee	Menton	
Aldridge	deGraffenried	Goodwin	Parsons	
Amari	Dial	Hand	Sanders	
Bedsole	Dixon	Hilliard	Smith (B)	
Bennett	Drinkard	Holmes	Smith (J)	
Cabaniss	Ellis	Langford	Strong	
Corbett	Figures	Little	Teague	—27

*Nays:* —0

On motion of Senator Little, Senator Mitchem was elected as a member of the Building Commission.

Yeas 27; Nays 0.

*Yeas:*

<b>Sensors:</b>	Covington	Foshee	Menton	
Aldridge	deGraffenried	Goodwin	Parsons	
Amari	Dial	Hand	Sanders	
Bedsole	Dixon	Hilliard	Smith (B)	
Bennett	Drinkard	Holmes	Smith (J)	
Cabaniss	Ellis	Langford	Strong	
Corbett	Figures	Little	Teague	—27

*Nays:* —0

On motion of Senator Little, Senator Denton was elected as a member of the Building Commission.

Yeas 27; Nays 0.

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*Yeas:*

<b>Senators:</b>	<b>Covington</b>	<b>Foshee</b>	<b>Menton</b>	
<b>Aldridge</b>	<b>deGraffenried</b>	<b>Goodwin</b>	<b>Parsons</b>	
<b>Amari</b>	<b>Dial</b>	<b>Hand</b>	<b>Sanders</b>	
<b>Bedsole</b>	<b>Dixon</b>	<b>Hilliard</b>	<b>Smith (B)</b>	
<b>Bennett</b>	<b>Drinkard</b>	<b>Holmes</b>	<b>Smith (J)</b>	
<b>Cabaniss</b>	<b>Ellis</b>	<b>Langford</b>	<b>Strong</b>	
<b>Corbett</b>	<b>Figures</b>	<b>Little</b>	<b>Teague</b>	<b>—27</b>

*Nays:* —0

On motion of Senator Little, Senator Barron was elected as a member of the Building Commission.

Yeas 27; Nays 0.

*Yeas:*

<b>Senators:</b>	<b>Covington</b>	<b>Foshee</b>	<b>Menton</b>	
<b>Aldridge</b>	<b>deGraffenried</b>	<b>Goodwin</b>	<b>Parsons</b>	
<b>Amari</b>	<b>Dial</b>	<b>Hand</b>	<b>Sanders</b>	
<b>Bedsole</b>	<b>Dixon</b>	<b>Hilliard</b>	<b>Smith (B)</b>	
<b>Bennett</b>	<b>Drinkard</b>	<b>Holmes</b>	<b>Smith (J)</b>	
<b>Cabaniss</b>	<b>Ellis</b>	<b>Langford</b>	<b>Strong</b>	
<b>Corbett</b>	<b>Figures</b>	<b>Little</b>	<b>Teague</b>	<b>—27</b>

*Nays:* —0

**ELECTION OF MEMBERS TO LEGISLATIVE COUNCIL**

The Senate then proceeded to the election of Senate members to the Legislative Council.

Senator Amari nominated Senators Holmes, Little, Parsons, and Bedford.

On motion of Senator Amari, the nominations to the Legislative Council were closed.

On motion of Senator Amari, Senator Holmes was elected as a member of the Legislative Council.

Yeas 27; Nays 0.

*Yeas:*

<b>Senators:</b>	<b>Covington</b>	<b>Foshee</b>	<b>Menton</b>	
<b>Aldridge</b>	<b>deGraffenried</b>	<b>Goodwin</b>	<b>Parsons</b>	
<b>Amari</b>	<b>Dial</b>	<b>Hand</b>	<b>Sanders</b>	
<b>Bedsole</b>	<b>Dixon</b>	<b>Hilliard</b>	<b>Smith (B)</b>	
<b>Bennett</b>	<b>Drinkard</b>	<b>Holmes</b>	<b>Smith (J)</b>	
<b>Cabaniss</b>	<b>Ellis</b>	<b>Langford</b>	<b>Strong</b>	
<b>Corbett</b>	<b>Figures</b>	<b>Little</b>	<b>Teague</b>	<b>—27</b>

*Nays:* —0

On motion of Senator Amari, Senator Little was elected as a member of the Legislative Council.

Yeas 27; Nays 0.

*Yeas:*

<b>Senators:</b>	<b>Amari</b>	<b>Bennett</b>	<b>Corbett</b>
<b>Aldridge</b>	<b>Bedsole</b>	<b>Cabaniss</b>	<b>Covington</b>

deGraffenried	Figures	Holmes	Sanders
Dial	Foshee	Langford	Smith (B)
Dixon	Goodwin	Little	Smith (J)
Drinkard	Hand	Menton	Strong
Ellis	Hilliard	Parsons	Teague

—27

Nays: —0

On motion of Senator Amari, Senator Parsons was elected as a member of the Legislative Council.

Yeas 27; Nays 0.

Yeas:

Senators:	Covington	Foshee	Menton
Aldridge	deGraffenried	Goodwin	Parsons
Amari	Dial	Hand	Sanders
Bedsole	Dixon	Hilliard	Smith (B)
Bennett	Drinkard	Holmes	Smith (J)
Cabaniss	Ellis	Langford	Strong
Corbett	Figures	Little	Teague

—27

Nays: —0

On motion of Senator Amari, Senator Bedford was elected as a member of the Legislative Council.

Yeas 27; Nays 0.

Yeas:

Senators:	Covington	Foshee	Menton
Aldridge	deGraffenried	Goodwin	Parsons
Amari	Dial	Hand	Sanders
Bedsole	Dixon	Hilliard	Smith (B)
Bennett	Drinkard	Holmes	Smith (J)
Cabaniss	Ellis	Langford	Strong
Corbett	Figures	Little	Teague

—27

Nays: —0

#### ELECTION OF MEMBERS TO LEGISLATIVE COMMITTEE ON EXAMINERS OF PUBLIC ACCOUNTS

The Senate then proceeded to the election of Senate members to the Legislative Committee on Examiners of Public Accounts.

Senator Little nominated Senators Bedsole, Dixon, and Hilliard.

On motion of Senator Amari, further consideration of the two vacancies remaining, was postponed until the Fifth Legislative Day.

On motion of Senator Amari, the nominations to the Legislative Committee on Examiners of Public Accounts were closed.

On motion of Senator Little, Senator Bedsole was elected as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 27; Nays 0.

Yeas:

Senators:	Amari	Bennett	Corbett
Aldridge	Bedsole	Cabaniss	Covington

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deGraffenried	Figures	Holmes	Sanders	
Dial	Foshee	Langford	Smith (B)	
Dixon	Goodwin	Little	Smith (J)	
Drinkard	Hand	Menton	Strong	
Ellis	Hilliard	Parsons	Teague	—27

*Nays:* —0

On motion of Senator Little, Senator Dixon was elected as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 27; Nays 0.

*Yeas:*

Senators:	Covington	Foshee	Menton	
Aldridge	deGraffenried	Goodwin	Parsons	
Amari	Dial	Hand	Sanders	
Bedsole	Dixon	Hilliard	Smith (B)	
Bennett	Drinkard	Holmes	Smith (J)	
Cabaniss	Ellis	Langford	Strong	
Corbett	Figures	Little	Teague	—27

*Nays:* —0

On motion of Senator Little, Senator Hilliard was elected as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 27; Nays 0.

*Yeas:*

Senators:	Covington	Foshee	Menton	
Aldridge	deGraffenried	Goodwin	Parsons	
Amari	Dial	Hand	Sanders	
Bedsole	Dixon	Hilliard	Smith (B)	
Bennett	Drinkard	Holmes	Smith (J)	
Cabaniss	Ellis	Langford	Strong	
Corbett	Figures	Little	Teague	—27

*Nays:* —0

**ELECTION OF MEMBERS TO  
ALABAMA SUNSET REVIEW COMMITTEE**

The Senate then proceeded to the election of Senate members to the Alabama Sunset Review Committee.

Senator Little nominated Senators Covington and Menton.

On motion of Senator Amari, further consideration of the vacancy remaining, was postponed until the Fifth Legislative Day.

On motion of Senator Amari, the nominations to the Alabama Sunset Review Committee were closed.

On motion of Senator Amari, Senator Covington was elected as a member of the Alabama Sunset Review Committee.

Yeas 27; Nays 0.

*Yeas:*

Senators:	Amari	Bennett	Corbett
Aldridge	Bedsole	Cabaniss	Covington

deGraffenried	Figures	Holmes	Sanders	
Dial	Foshee	Langford	Smith (B)	
Dixon	Goodwin	Little	Smith (J)	
Drinkard	Hand	Menton	Strong	
Ellis	Hilliard	Parsons	Teague	—27
Nays:				—0

On motion of Senator Amari, Senator Menton was elected as a member of the Alabama Sunset Review Committee.

Yeas 27; Nays 0.

Yeas:

Senators:	Covington	Foshee	Menton	
Aldridge	deGraffenried	Goodwin	Parsons	
Amari	Dial	Hand	Sanders	
Bedsole	Dixon	Hilliard	Smith (B)	
Bennett	Drinkard	Holmes	Smith (J)	
Cabaniss	Ellis	Langford	Strong	
Corbett	Figures	Little	Teague	—27
Nays:				—0

## RESOLUTIONS

Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. COMMENDING COACH PAT DYE AND AUBURN UNIVERSITY ON THE TIGERS' SOUTHEASTERN CONFERENCE CHAMPIONSHIP.

WHEREAS, following the 1983 Iron Bowl Classic in Birmingham, Auburn University reigned supreme as the Southeastern Conference Champions; and

WHEREAS, Coach Pat Dye's Tigers finished their regular season with a phenomenal 10-1 record, completing a schedule that's been acknowledged as the most formidable faced by any college football team in the nation; and

WHEREAS, with the last of their regular season games under wraps, the Tigers will next face the Michigan Wolverines in the famed Sugar Bowl Classic; and

WHEREAS, Coach Dye and his 1983 team are indeed deserving of highest praise for such exceptional accomplishments, and we are sincere in, our gratitude for the fame and honor Auburn University has brought to our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Coach Pat Dye and his 1983 Southeastern Conference Champions.

BE IT FURTHER RESOLVED, That Coach Dye receive a copy of this resolution, on behalf of the team and his staff, and that a copy also be forwarded to the University for appropriate display.



On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Parsons offered the following Senate Joint Resolution, to-wit:

**S. J. R. 34. COMMENDING THE OAK GROVE HIGH SCHOOL TIGER BAND.**

WHEREAS, the Alabama Legislature herein expresses highest praise of the Oak Grove High School Tiger Band; and

WHEREAS, the Tiger Band is under the direction of Mr. Richard Humber who has served a total of some seven years as Band Director at Oak Grove High School in west Jefferson County; he is assisted by Mr. Ron Thacker; and

WHEREAS, 140 members strong, the Oak Grove Tiger Band has been rated Best In Class in all competition, an achievement to be recognized as exceptionally notable; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Oak Grove High School Tiger Band for its outstanding achievement of the highest ratings possible in band competition.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Band Directors Humber and Thacker, on behalf of the entire Oak Grove Tiger Band, with a copy also provided for appropriate school display.

Which was read and referred to the Standing Committee on Rules.

Senators Covington and Foshee offered the following Senate Joint Resolution, to-wit:

**S. J. R. 35. COMMENDING MRS. ANN GALLOWAY, ANHA "ADMINISTRATOR OF THE YEAR."**

WHEREAS, the Alabama Legislature, in utmost commendation, extends warm congratulations to Mrs. Ann Galloway as "Administrator of the Year," a selection of the Alabama Nursing Home Association; and

WHEREAS, Mrs. Galloway, the first recipient of this prestigious award, was cited as "representative of the model administrator in every duty and service that is required of her daily" by ANHA during the organization convention in Mobile, November 1, 1983; and

WHEREAS, a lifelong resident of the Bertha Community in Dale County, and the daughter of Mr. and Mrs. J. D. Martin of Bertha, Mrs. Galloway has been a nursing home administrator for some 17 years, 10 of which have been at Ozark's Oak View Manor, a large facility which provides both skilled and intermediate care including an apartment complex as well; and

WHEREAS, she has been an active member of ANHA with her involvement including a number of regional and state offices, committee chairmanships and is currently a member of the American Health Care Association's Legislative Committee representing Region X nationally; and

WHEREAS, Mrs. Galloway's "Administrator of the Year" award is indeed indicative of her total commitment to quality nursing home care and of her dedicated efforts within the health care field; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we enthusiastically commend and most warmly praise Mrs. Ann Galloway as "Administrator of the Year," a designation of the Alabama Nursing Home Association.

**BE IT FURTHER RESOLVED,** That Mrs. Galloway receive a copy of this resolution that she and her husband, Mr. Lamar Galloway, and their son, Tim, may be aware of our sincere regard.

On motion of Senator Covington, the Rules were suspended and the Resolution was adopted by the Senate.

### **REPORT FROM RULES**

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. J. R. 22. CONGRATULATING OAK GROVE HIGH SCHOOL, STATE 2A FOOTBALL CHAMPIONS FOR 1983.**

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 5. COMMENDING JOEL HAVEN HILL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.**

On motion of Senator Langford, the Resolution was then concurred in and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. R. 24. EXPRESSING THE LEGISLATURE'S SUPPORT OF ALABAMA HEALTH FAIR.**

On motion of Senator Langford, the Resolution was then adopted by the Senate.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (J) and Campbell:

**H. 19.** To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject

to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such funds to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Also:

By Reps. Clark (J) and Campbell:

H. 20. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

Also:

By Reps. Laird and Fuller:

H. 25. To propose an amendment to the Constitution of Alabama of 1901, to permit nonprofit organizations in Chambers County to hold raffles for fund raising purposes, provided none of the proceeds are used to pay salaries of officials.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 19. To the Committee on Industrial Expansion, Economic Growth, and Jobs.

H. B. 20. To the Committee on Finance and Taxation.

H. B. 25. To the Committee on Constitutional Revision.

(The above numbered Bill, H. B. 25, was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Heritage Trust Fund.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 6th day of December, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Heritage Trust Fund for the term expiring October 1, 1989:

Mr. Kyser Wilson  
Rt. 1  
Ariton, AL 36311

Respectfully submitted,

GEORGE C. WALLACE,  
Governor.

Done this 6th day of December, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Heritage Trust Fund, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Heritage Trust Fund.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 6th day of December, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Heritage Trust Fund for the term expiring October 1, 1984:

Mr. Aaron Aronov  
2088 Myrtlewood Drive  
Montgomery, AL

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 6th day of December, 1983.

#### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Heritage Trust Fund, was read and referred to the Standing Committee on Rules.

#### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Sasser:

H. J. R. 57. COMMENDING TRI-GLASS INDUSTRIES OF DALEVILLE, ALABAMA'S FASTEST GROWING COMPANY.

JOHN W. PEMBERTON,  
Clerk.

#### **HOUSE MESSAGE**

The Resolution, H. J. R. 57, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Ford, Bugg, and Junkins:

H. J. R. 27. COMMENDING THE LITCHFIELD HIGH SCHOOL FOOTBALL TEAM.

JOHN W. PEMBERTON,  
Clerk.

#### **HOUSE MESSAGE**

The Resolution, H. J. R. 27, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Ford, Bugg, and Junkins:

H. J. R. 28. COMMENDING THE LITCHFIELD HIGH SCHOOL BAND.

Also:

By Reps. Ford, Bugg, and Junkins:

H. J. R. 29. CONGRATULATING THE EMMA SANSOM HIGH SCHOOL BAND.

Also:

By Reps. Ford, Bugg, and Junkins:

H. J. R. 30. COMMENDING THE EMMA SANSOM HIGH SCHOOL FOOTBALL TEAM.

Also:

By Reps. Dutton, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 32. WISHING SENATOR ROGER BEDFORD A SPEEDY RECOVERY.

Also:

By Reps. Coleman and Rains:

H. J. R. 33. COMMENDING MR. AND MRS. JOHN THRASH ON THEIR 70TH WEDDING ANNIVERSARY.

Also:

By Reps. Coleman and Rains:

H. J. R. 34. COMMENDING MR. AND MRS. HOMER McCAULEY ON THEIR 64TH WEDDING ANNIVERSARY.

Also:

By Reps. Kennedy, Zoghby, Buskey (James), Kvalheim, Harper, Gaston, Turner, Marietta, Box, Clark (W), Buskey (John), Melton, Thomas and

Black:

H. J. R. 35. WELCOMING MR. OSSIE DAVIS AND MS. RUBY DEE AS HONORED GUESTS OF THE STATE OF ALABAMA.

Also:

By Reps. Kennedy, Zoghby, Buskey (James), Kvalheim, Harper, Gaston, Turner, Marietta, Box and Clark (W):

H. J. R. 36. COMMEMORATING THE 20TH ANNIVERSARY OF THE UNIVERSITY OF SOUTH ALABAMA.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 38. COMMENDING LINDA H. BAKER ON BEING NAMED "YOUNG CAREERIST - 1983".

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 39. COMMENDING MADELYN GLASS HORSLEY ON BEING NAMED WOMAN OF THE YEAR.

Also:

By Rep. Blakeney:

H. J. R. 40. CONGRATULATING MR. AND MRS. CLARENCE ALLEN BARKLEY OF SWEET WATER, ALABAMA, ON THE OCCASION OF THEIR 65TH WEDDING ANNIVERSARY.

Also:

By Reps. Brakefield and Nicholson:

H. J. R. 41. RESOLUTION MOURNING THE DEATH OF HAROLD "SHUG" WILSON.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 28, 29, 30, 32, 33, 34, 35, 36, 38, 39, 40, and 41, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. White (L):

H. J. R. 52. COMMENDING THE RUSSELL CORPORATION AND POP WARNER FOOTBALL FOR THEIR JOINT SPONSORSHIP OF THE RUSSELL ATHLETIC BOWL, THE FIRST NATIONAL YOUTH FOOTBALL CHAMPIONSHIP.

Also:

By Reps. Warren and Smith:

H. J. R. 53. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

Also:

By Rep. Payne:

H. J. R. 54. HONORING MR. BILL PIKE FOR HIS MANY YEARS OF SERVICE WITH THE CENTER POINT FIRE DEPARTMENT.

Also:

By Reps. McMillan and Penry:

H. J. R. 55. COMMENDING MR. CARL BOSECK.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 52, 53, 54, and 55, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Box, Zoghby, Kennedy, Buskey (James), Kvalheim, Marietta, Gaston, Harper, Turner and Clark (W):

H. J. R. 42. COMMENDING JEFFREY EVERS, CHICKASAW, ALABAMA.

Also:

By Rep. Rains:

H. J. R. 43. COMMENDING MR. AND MRS. COLEMAN COMBS ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Rains and Lindsey:

H. J. R. 44. COMMENDING MR. AND MRS. W. E. HATLEY ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Rains and Lindsey:

H. J. R. 45. CONGRATULATING MR. FLOYD PRADY ON HIS RETIREMENT.

Also:

By Reps. Rains and Coleman:

H. J. R. 46. COMMENDING MR. AND MRS. LEONARD A. COLE



ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Rains, Coleman, and Bugg:

H. J. R. 47. COMMENDING CARL TROTTER BROTHERS FOR HIS DEDICATION AND FAITHFUL SERVICE TO THE LORD.

Also:

By Reps. Rains, Coleman, and Bugg:

H. J. R. 48. COMMENDING MR. AND MRS. PEARLIE HOLLAND ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Moore, Tanner, and Smith:

H. J. R. 49. COMMENDING MISS SUSAN MELINDA HARDIN, SHELBY COUNTY'S 1983-84 JUNIOR MISS.

Also:

By Reps. Zoghby, Kvalheim, Turner, Gaston, Box, Buskey (James), Kennedy, Marietta, Clark (W), and Harper:

H. J. R. 50. COMMENDING THE MURPHY HIGH SCHOOL FOOTBALL TEAM FOR ITS CHAMPIONSHIP SEASON.

Also:

By Reps. Zoghby, Kennedy, Box, Kvalheim, Buskey (James), Harper, Gaston, Turner, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G) and White (L):

H. J. R. 51. COMMENDING OUR COLLEAGUE, REPRESENTATIVE BETH MARIETTA, OF THEODORE, ALABAMA.

JOHN W. PEMBERTON  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolu-

tion, to-wit:

**S. R. 36. RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fourth legislative day of the 1983 Fourth Special Session only:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 13	Bonds, political subdivisions, issue low interest	5
S. B. 5	Counties, issue warrants	14
S. B. 3	Deaf & Blind, Ala. Instit., textbooks	19
S. B. 31	Uniform Parentage Act, estab.	10
S. B. 27	Parental rights, term.	13
S. B. 21	Revised Alabama Professional Corp. Act	24

Senator Little offered the following substitute for the Resolution, S. R. 36, to-wit:

#### **SUBSTITUTE FOR S. R. 36**

**S. R. 36. RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fourth legislative day of the 1983 Fourth Special Session only:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 4	Tax loopholes & punishment	1
S. B. 13	Bonds, political subdivisions, issue low interest	5
S. B. 5	Counties, issue warrants	14
S. B. 3	Deaf & Blind, Ala. Instit., textbooks	19
S. B. 31	Uniform Parentage Act, estab.	10
S. B. 27	Parental rights, term.	13

On motion of Senator deGraffenried, said substitute was laid on the table.

Yeas 20; Nays 2.

*Yeas:*

Senators:	Corbett	Ellis	Mitchem
Aldridge	Covington	Foshee	Parsons
Amari	deGraffenried	Goodwin	Smith (B)
Bedsole	Denton	Holmes	Smith (J)
Bennett	Dial	Langford	Strong
Cabaniss			

—20

*Nays:* Senators: Hand and Little

—2

And on motion of Senator Parsons, the Resolution was then adopted by

the Senate.

**SPECIAL ORDER**  
**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 13. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, bearing compound interest or no interest, computed and payable at such time or times as may be provided, or at a discount equivalent to compound interest, and that this act is declarative of existing law.

**RECESS**

At 12:50 P.M., Senator Little moved that the Senate take a recess until 2:30 P.M., which motion lost.

At 12:55 P.M., Senator Little moved that the Senate take a recess until 2:20 P.M.

Senator deGraffenried offered a substitute motion that the Senate take a recess until 1 o'clock P.M., which motion was adopted.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

**POINT OF PERSONAL PRIVILEGE**

Senator Menton requested that the Journal show that had he been present when the vote was taken on the Bill, S. B. 1, he would have voted "Nay".

**BILL RECONSIDERED**

On motion of Senator deGraffenried, the Senate reconsidered the vote by which the Bill, S. B. 1, was passed.

On motion of Senator deGraffenried, the Senate reconsidered the vote by which the Bill, S. B. 1, was ordered to its third reading.

And said Bill, S. B. 1, was again read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 6.

Yeas:

Senators:	Covington	Ellis	Little
Aldridge	deGraffenried	Foshee	Parsons
Amari	Denton	Goodwin	Sanders
Barron	Dial	Hilliard	Smith (B)
Bennett	Dixon	Holmes	Smith (J)
Cabaniss	Drinkard	Langford	Teague

—23

Nays:

Senators:	Corbett	Hand	Strong
Bedsole	Figures	Menton	

—6

**FURTHER CONSIDERATION OF S. B. 13**

The Senate proceeded to further consideration of the Bill, S. B. 13.

And said Bill, S. B. 13, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Covington	Holmes	Parsons
Amari	deGraffenried	Langford	Smith (B)
Bedsole	Denton	Little	Smith (J)
Bennett	Dial	Menton	Strong
Cabaniss	Dixon	Mitchem	Teague
Corbett	Goodwin		

—21

Nays:

—0

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 5. To amend Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama, as amended, which act relates to the power of counties to issue warrants to finance the costs of necessary public buildings, bridges and roads; to authorize each county in the State of Alabama to sell and issue from time to time warrants for the purpose of paying the costs of acquiring (by construction, purchase or otherwise) public facilities which such county is authorized to acquire by laws other than this act; to define public facilities and other particular terms used in the substantive provisions of this act; to authorize the county commission of each county issuing warrants pursuant to the provisions of this act to determine whether such warrants shall be general obligations of such county or limited obligations payable solely from a specified source; to authorize such county commission to determine, within the constraints of this act, the terms and conditions of such warrants; to provide that certain taxes, revenues and other funds may be pledged as additional security for general obligation warrants issued under the provisions of this act; to provide that certain taxes, revenues and other funds may be pledged as the sole source of payment for limited obligation warrants issued under the provisions of this act; to specify the effect and priority of any such pledges; to authorize the issuance of refunding warrants and to specify the nature of the debt that may be refunded thereby; to provide that warrants issued under the provisions of this act shall be legal investments; to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county; to provide that the provisions of this act shall control over inconsistent provisions of other laws; and to provide that the provisions of this act shall be severable.

was taken up.

On motion of Senator deGraffenried, further consideration of the Bill, S. B. 5, was postponed until the Fifth Legislative Day.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Res-

olution, your signature thereto is requested.

H. J. R. 5. COMMENDING JOEL HAVEN HILL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 3. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Parsons
Bedsole	Denton	Holmes	Smith (B)
Bennett	Dial	Langford	Smith (J)
Cabaniss	Dixon	Little	Strong
Corbett	Drinkard	Menton	Teague
Covington	Foshee	Mitchem	—22

Nays:

—0

### REPORT FROM RULES

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Aaron Aronov to the Heritage Trust Fund.

On motion of Senator Parsons, the appointment of Mr. Aronov was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Covington	Drinkard
Aldridge	Bennett	deGraffenried	Ellis
Amari	Cabaniss	Dial	Foshee
Barron	Corbett	Dixon	Hand

Holmes  
Langford  
LittleMenton  
Mitchem  
ParsonsSmith (B)  
Smith (J)Strong  
Teague

—25

Nays:

—0

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Kyser Wilson to the Heritage Trust Fund.

On motion of Senator Covington, the appointment of Mr. Wilson was confirmed by the Senate.

Yeas 24; Nays; 0.

Yeas:

Senators:  
Amari  
Barron  
Bedsole  
Bennett  
Cabaniss  
CorbettCovington  
deGraffenried  
Dial  
Dixon  
Drinkard  
EllisFigures  
Foshee  
Hand  
Holmes  
Little  
MentonMitchem  
Parsons  
Smith (B)  
Smith (J)  
Strong  
Teague

—24

Nays:

—0

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 32. WISHING SENATOR ROGER BEDFORD A SPEEDY RECOVERY.

Also:

H. J. R. 36. COMMEMORATING THE 20TH ANNIVERSARY OF THE UNIVERSITY OF SOUTH ALABAMA.

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 52. COMMENDING THE RUSSELL CORPORATION AND POP WARNER FOOTBALL FOR THEIR JOINT SPONSORSHIP OF THE RUSSELL ATHLETIC BOWL, THE FIRST NATIONAL YOUTH FOOTBALL CHAMPIONSHIP.

On motion of Senator Little, the Resolution was then concurred in and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate

with a favorable report, to-wit:

S. J. R. 34. COMMENDING THE OAK GROVE HIGH SCHOOL TIGER BAND.

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

### BILLS ON THIRD READING RESUMED

Senator Dial requested and received permission to suspend the Rules and bring up the Bill:

S. 16. Relating to military affairs and civil defense; amending: Section 31-2-8, Code of Alabama 1975, relating to the organization of the state guard; Section 31-2-9, Code of Alabama 1975, pertaining to the separate powers of the governor and adjutant general over the guard separate from federal control; and Section 31-2-10 relating to appropriations for the state guard, so as to change the name from state guard to state defense force and to authorize the governor to call the state defense force into temporary action.

And said Bill, S. B. 16, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Parsons
Bennett	Dial	Holmes	Smith (B)
Cabaniss	Dixon	Langford	Smith (J)
Corbett	Drinkard	Little	Strong
Covington	Foshee	Mitchem	Teague
deGraffenried			

—20

Nays:

—0

### ADJOURNMENT

At 2:10 P.M., on motion of Senator Denton, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, December 8, 1983, at 11 o'clock A.M.

JOURNAL OF THE SENATE, 1983  
5th Day

**FIFTH LEGISLATIVE DAY**  
**THURSDAY, DECEMBER 8, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Von McQueen, Pastor, Blue Ridge Baptist Church, Wetumpka, Alabama.

**ROLL CALL**

Present:

Senators:	Corbett	Goodwin	Mitchem
Aldridge	Covington	Hand	Parsons
Amari	Denton	Hilliard	Sanders
Barron	Dial	Holmes	Smith (B)
Bedsole	Dixon	Langford	Smith (J)
Bennett	Drinkard	Little	Strong
Cabaniss	Ellis	Menton	Teague
Cooley	Foshee		

—29

**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

MAC PARSONS,  
Vice-Chairperson.

**COMMITTEE REPORT**

On motion of Senator Parsons, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Teague, leave of absence was granted Senators Bailey, Bedford, Bishop, deGraffenried, Figures, and Pearson for today.

**ELECTION OF MEMBERS TO LEGISLATIVE COMMITTEE  
ON EXAMINERS OF PUBLIC ACCOUNTS**

The Senate proceeded to the election of two Senate members to the Legislative Committee on Examiners of Public Accounts, which was necessitated by vacancies.

On motion of Senator Amari, further consideration of the elections of



members to the Legislative Committee on Examiners of Public Accounts was postponed until the Sixth Legislative Day.

**ELECTION OF MEMBERS TO  
ALABAMA SUNSET REVIEW COMMITTEE**

The Senate then proceeded to the election of a Senate member to the Alabama Sunset Review Committee, which was necessitated by a vacancy.

On motion of Senator Amari, further consideration of the election of a member to the Alabama Sunset Review Committee was postponed until the Sixth Legislative Day.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 32. WISHING SENATOR ROGER BEDFORD A SPEEDY RECOVERY.

Also:

H. J. R. 36. COMMEMORATING THE 20TH ANNIVERSARY OF THE UNIVERSITY OF SOUTH ALABAMA.

Also:

H. J. R. 52. COMMENDING THE RUSSELL CORPORATION AND POP WARNER FOOTBALL FOR THEIR JOINT SPONSORSHIP OF THE RUSSELL ATHLETIC BOWL, THE FIRST NATIONAL YOUTH FOOTBALL CHAMPIONSHIP.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. White (L.), Turnham, Starr, Smith, Hooper, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell,

Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G) and Zoghby:

H. J. R. 59. COMMENDING AUBURN UNIVERSITY ON WINNING THE SOUTHEASTERN CONFERENCE CHAMPIONSHIP.

Also:

By Reps. Penry and McMillan:

H. J. R. 60. HONORING DR. HUBERT BEVERLY SHEPHERD AS A REPRESENTATIVE TO THE ANIMO CRUSADE IN NIGERIA.

Also:

By Reps. Rains and Coleman:

H. J. R. 61. COMMENDING MR. AND MRS. L. C. WINDSOR ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Rains and Moore:

H. J. R. 62. COMMENDING MR. AND MRS. LUTHER EDGAR BETHUNE ON THEIR 53RD WEDDING ANNIVERSARY.

Also:

By Reps. Rains and Burke:

H. J. R. 63. COMMENDING MR. AND MRS. LEE ROY JOHNSON ON THEIR 40TH WEDDING ANNIVERSARY.

Also:

By Rep. Laird.

H. J. R. 64. COMMENDING THE WOODLAND HIGH SCHOOL "BOBCATS" FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

By Rep. Laird:

H. J. R. 65. COMMENDING THE HANDLEY HIGH SCHOOL TIGERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

By Rep. Laird:

H. J. R. 66. COMMENDING RONALD D. HYCHE, AN OUTSTANDING BAND AND MUSIC TEACHER.

Also:

By Reps. Escott, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird,

Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 67. COMMENDING REPRESENTATIVE ASBURY HOWARD FOR NOTABLE LEGISLATIVE AND HUMANITARIAN SERVICE.

Also:

By Reps. Escott, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 68. COMMENDING DR. C. HOWARD NEVETT FOR DISTINGUISHED RELIGIOUS AND COMMUNITY SERVICE.

Also:

By Rep. Rogers:

H. J. R. 73. COMMENDING MR. CHARLES A. MAJORI.

Also:

By Rep. Rogers:

H. J. R. 72. COMMENDING DR. JOHN P. ANDERSON OF BIRMINGHAM, ALABAMA.

Also:

By Reps. Venable and Mikell:

H. J. R. 79. MOURNING THE DEATH OF JUDGE WILLIAM MACON COUSINS, ELMORE COUNTY, ALABAMA.

Also:

By Reps. Mitchell, Poole, and Johnson (Roy):

H. J. R. 83. CONGRATULATING MRS. MARY CELESTE ROSE MAXWELL OF MAXWELL CROSSING COMMUNITY IN TUSCALOOSA COUNTY, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

By Reps. Mitchell, Johnson (Roy), and Poole:

H. J. R. 84. COMMENDING THE HONORABLE AARON WAL-

## DROP OF TUSCALOOSA, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolution, H. J. R. 59, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Hand, the Rules were suspended and the Resolution, H. J. R. 60, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Teague, the Rules were suspended and the Resolutions, H. J. R.'s 61, 62, and 63, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Dial, the Rules were suspended and the Resolution, H. J. R. 64, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 65, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Dial, the Rules were suspended and the Resolution, H. J. R. 66, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Hilliard, the Rules were suspended and the Resolutions, H. J. R.'s 67, 68, 73, and 72 set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Langford, the Rules were suspended and the Resolution, H. J. R. 79, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 83 and 84, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## RESOLUTION

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 37. RELATIVE TO MEETING DAYS OF THE LEGISLATURE. BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, December 8, 1983, we adjourn to meet again on Monday, December 12, 1983.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

## REPORT FROM RULES

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 46. COMMENDING MR. AND MRS. LEONARD A. COLE

ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 39. COMMENDING MADELYN GLASS HORSLEY ON BEING NAMED WOMAN OF THE YEAR.

Also:

H. J. R. 9. COMMENDING MRS. BERTIE EDGE, 1983 SAINT CLAIR COUNTY COWBELL OF THE YEAR.

On motion of Senator Foshee, the Resolutions were then concurred in and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 27. COMMENDING THE LITCHFIELD HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 28. COMMENDING THE LITCHFIELD HIGH SCHOOL BAND.

Also:

H. J. R. 29. CONGRATULATING THE EMMA SANSOM HIGH SCHOOL BAND.

Also:

H. J. R. 30. COMMENDING THE EMMA SANSOM HIGH SCHOOL FOOTBALL TEAM.

On motion of Senator Little, the Resolutions were then concurred in and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 35. WELCOMING MR. OSSIE DAVIS AND MS. RUBY DEE AS HONORED GUESTS OF THE STATE OF ALABAMA.

On motion of Senator Langford, the Resolution was then concurred in and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 38. COMMENDING LINDA H. BAKER ON BEING NAMED "YOUNG CAREERIST — 1983".

Also:

H. J. R. 41. RESOLUTION MOURNING THE DEATH OF HAROLD "SHUG" WILSON.

Also:

H. J. R. 47. COMMENDING CARL TROTTER BROTHERS FOR HIS DEDICATION AND FAITHFUL SERVICE TO THE LORD.

On motion of Senator Little, the Resolutions were then concurred in and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 50. COMMENDING THE MURPHY HIGH SCHOOL FOOTBALL TEAM FOR ITS CHAMPIONSHIP SEASON.

On motion of Senator Hand, the Resolution was then concurred in and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 49. COMMENDING MISS SUSAN MELINDA HARDIN, SHELBY COUNTY'S 1983-84 JUNIOR MISS.

On motion of Senator Ellis, the Resolution was then concurred in and adopted by the Senate.

### BILLS ON THIRD READING

Senator Little requested and received permission to suspend the Rules and bring up the Bill:

S. 8. To provide that legislative compensation shall be voted on by a recorded vote.

And said Bill, S. B. 8, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Hand	Menton	
Barron	Dial	Hilliard	Parsons	
Bedsole	Dixon	Holmes	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Cabaniss	Goodwin	Little	Strong	
Corbett				—20
Nays:				—0

### RESOLUTION

Senators Holmes, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 38. COMMENDING COACH LOU SCALES OF CALHOUN

COUNTY'S ALEXANDRIA HIGH SCHOOL.

WHEREAS, on October 21, 1983, Alexandria High School's veteran coach, Lou Scales, recorded his 200th career victory following his Valley Cub's crucial win over Jacksonville; and

WHEREAS, Coach Scales, who has directed Alexandria football teams through more than 335 varsity games since 1948, has coached in Alabama high schools for 36 years, and his 200th victory spelled out a phenomenal 200-133-12 for the record books; and

WHEREAS, it is further to be noted that Alabama's select 200-plus club for high school football coaches has a membership of only five, including Coach Scales; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Lou Scales as one of Alabama's most prominent high school coaches; we further congratulate him on surpassing the 200th career victory milestone and direct that he receive a copy of this resolution in small token of our utmost regard.

On motion of Senator Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

RECESS

At 11:55 A.M., on motion of Senator Cooley, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 12:40 P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 39. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the 1983 Fourth Special Session only:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 5	Counties, issue warrants	14
S. B. 10	St. Indust. Dev. Auth., cigarettes, tax	2
S. B. 11	St. Indust. Dev. Auth., bonds, duties	22
S. B. 23	Zoning changes, mental or penal instit.	16
S. B. 31	Uniform Parentage Act, estab.	10
S. B. 26	Support Enforcement, employer to withhold	7

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

**REPORTS OF COMMITTEES**

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Clark (J) and Campbell:

H. 20. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 2. To amend Code of Alabama, 1975, Sections 16-55-1, 16-55-2, 16-55-3, 16-55-5, 16-55-6, 16-55-7, 16-55-8, and 16-55-9 so as to reconstitute the Board of Trustees, clarify the duties and responsibilities thereof, and provides for an effective date.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Amendment):

S. 38. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

**SPECIAL ORDER****BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 5. To amend Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama, as amended, which act relates to the power of counties to issue warrants to finance the costs of necessary public buildings, bridges and roads; to authorize each county in the State of Alabama to sell and issue from time to time warrants for the purpose of paying the costs of acquiring (by construction, purchase or otherwise) public facilities which such county is authorized to acquire by laws other than this act; to define public facilities and other particular terms used in the substantive provisions of this act; to authorize the county commission of each county issuing warrants pursuant to the provisions of this act to determine whether such warrants shall be general obligations of such county or limited obligations payable solely from a specified source; to authorize such county com-



mission to determine, within the constraints of this act, the terms and conditions of such warrants; to provide that certain taxes, revenues and other funds may be pledged as additional security for general obligation warrants issued under the provisions of this act; to provide that certain taxes, revenues and other funds may be pledged as the sole source of payment for limited obligation warrants issued under the provisions of this act; to specify the effect and priority of any such pledges; to authorize the issuance of refunding warrants and to specify the nature of the debt that may be refunded thereby; to provide that warrants issued under the provisions of this act shall be legal investments; to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county; to provide that the provisions of this act shall control over inconsistent provisions of other laws; and to provide that the provisions of this act shall be severable.

On motion of Senator Little, further consideration of the Bill, S. B. 5, was postponed temporarily subject to the call of the Chair.

The Bill:

S. 10. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

was taken up.

Senators Holmes, Cooley, and Aldridge requested and received unanimous consent to have their names added as co-sponsors of the above Bill, S. B. 10.

And said Bill, S. B. 10, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Covington	Hilliard	Mitchem
Barron	Dial	Holmes	Parsons
Bedsole	Dixon	Langford	Smith (B)
Bennett	Drinkard	Little	Smith (J)
Cabaniss	Goodwin	Menton	Strong
Cooley	Hand		

—21

Nays:

—0

The Bill:

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject

to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

was taken up.

Senators Holmes, Cooley, Smith (B), Dial, Cabaniss, Dixon, Aldridge, and Goodwin requested and received unanimous consent to have their names added as co-sponsors of the above Bill, S. B. 11.

And said Bill, S. B. 11, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Holmes	Parsons	
Aldridge	Dial	Langford	Smith (B)	
Bedsole	Dixon	Little	Smith (J)	
Bennett	Drinkard	Menton	Strong	
Cabaniss	Hand	Mitchem		—18

Nays:

—0

## RESOLUTION

Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague offered the following Senate Joint Resolution, to-wit:

**S. J. R. 40. MOURNING THE DEATH OF MISS CARYL LYNN STUCKEY OF MONTGOMERY, ALABAMA.**

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the untimely death of Miss Caryl Lynn Stuckey of Montgomery, Alabama, on December 7, 1983, at the early age of just 31 years; and

WHEREAS, Miss Stuckey, born May 31, 1952, grew up in the Montgomery area and attended that city's Robert E. Lee High School; she was a

graduate of Columbus High School, Columbus, Ohio, and later attended John Patterson Vocational School in Montgomery; and

WHEREAS, a former employee with the State of Alabama's Consumer Protection Agency, Miss Stuckey, at the time of her death and for the past four years, had been associated in a supervisory capacity with Rheems Manufacturers of Montgomery; and

WHEREAS, Lynn Stuckey is survived by her mother, Mrs. Frances I. Stuckey, our good friend and associate who serves as Senate Fiscal Clerk for the Legislative Fiscal Office; she also is survived by her brothers James, Richard Tyler, John Frederick, Muir J. and William Ross, Jr.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Caryl Lynn Stuckey of Montgomery, Alabama, and direct that copies of this resolution be provided for her family that they may know we sincerely share the sorrow of their great loss.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 23. To require that zoning changes relating to certain mental or penal institutions must be approved by the local elected governing body and to provide certain application dates.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 23, to-wit:

### SUBSTITUTE FOR S. B. 23 A BILL TO BE ENTITLED AN ACT

Relating to Class 3 municipalities so as to require that certain zoning variances in certain residential areas must be approved by the municipal governing body prior to being implemented.

Be It Enacted by the Legislature of Alabama:

Section 1. Relating to Class 3 municipalities, all zoning variances in single family residential areas relating to an institution involving the psychiatric care, treatment or maintenance of patients or the care, treatment or maintenance of persons mentally ill must be approved by the municipal governing body prior to being implemented.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 16; Nays 0.

*Yeas:*

Senators:	Drinkard	Hilliard	Smith (B)	
Bennett	Foshee	Holmes	Smith (J)	
Cabaniss	Goodwin	Langford	Strong	
Cooley	Hand	Menton	Teague	
Dixon				—16

*Nays:* —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

And said Bill, S. B. 23, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Cooley	Goodwin	Mitchem	
Aldridge	Corbett	Hand	Smith (B)	
Amari	Dial	Hilliard	Smith (J)	
Barron	Drinkard	Holmes	Strong	
Cabaniss	Foshee	Menton	Teague	—19

*Nays:* —0

The Bill:

S. 31. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity, to provide for the treatment of the husband of a woman who has been the subject of artificial insemination, with his consent, as the natural father of a child born thereof; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide that an action to determine paternity for the purposes of support may be brought at any time prior to the child's 19th birthday; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity;

to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

was taken up.

On motion of Senator Hilliard, further consideration of the Bill, S. B. 31, was postponed temporarily.

The Bill:

S. 26. To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

was taken up.

Senator Cooley offered the following substitute for the Bill, S. B. 26, to-wit:

### **SUBSTITUTE FOR S. B. 26**

#### **A BILL TO BE ENTITLED AN ACT**

To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any em-

ployer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this Act, the following words shall include, but are not limited to, the following meanings unless the context clearly requires a different meaning:

(a) "Income" shall include wages, salary, tips, commissions, bonuses, and any and all money due or payable to a person, the entitlement to which is based upon remuneration for employment, past or present, after the deduction of those amounts required to be withheld by law.

(b) "Employer" shall include any person, business, corporation, partnership, company, firm or unit of municipal, county, state or federal government;

(c) "Court" shall include any circuit or district court of this state or any domestic relations division, juvenile court division or family court division of these courts exercising jurisdiction over domestic relations matters, support, paternity and nonsupport cases;

(d) "Clerk of the court" shall include any circuit court clerk, circuit court register, district court clerk or juvenile court clerk, or their employees, with responsibility for docketing or otherwise carrying out the court's clerical duties in regard to domestic relations matters, support and nonsupport cases, including the receipt and disbursement of support payments.

(e) "Obligor" shall include any person ordered by the court to make periodic payments for the benefit and support of another person or minor child;

(f) "Obligee" shall include any person for whom support benefits are ordered by the court and shall specifically include the Department of Pensions and Security when any person has assigned their right to support payments to the Department under any provision of law or when the Department is otherwise representing the obligee.

(g) "Department" The department of Pensions and Security of the State of Alabama, including the county department of Pensions and Security.

Section 2(a) Any provisions of Section 8-5-21, Code of Alabama 1975, to the contrary notwithstanding, any original decree, judgment or order issued by a court of this state for the payment of support for the benefit of any person or minor child, any decree or judgment entered pursuant to a petition to modify an original decree or award of support, any decree or judgment of contempt of court for failure to pay support as previously ordered by a court of this state or any decree or judgment for criminal or civil nonsupport may, in the discretion of the court, include an order directing any employer of the obligor to withhold and pay over to the obligee, the clerk of the court or the Department of Pensions and Security, whichever is appropriate, out of income due or to become due the obligor at each pay period, an amount ordered to be paid for support.

(b) The order shall recite the amount of the obligor's continuing support obligation and shall require the withholding of the support obligation from the income due or becoming due to the obligor at each pay period and

payment to the obligee, the clerk of the court out of which the order is issued, or the Department, whichever is appropriate. Provided, if the obligor's support obligation is ordered to be paid monthly and the obligor's pay periods are at more frequent intervals, the order may require that the employer shall withhold, at each pay period, an amount cumulatively sufficient to equal the total monthly support obligation and pay over to the obligee, the clerk of the court, or the Department, once each month, the total monthly support obligation. The order shall also recite the duty of the obligor and the employer to notify the court of any change in employment of the obligor as provided in this Act. When payments are ordered made to the clerk of the court, it shall be the responsibility of the clerk to disburse the payments to the obligee or the appropriate recipient.

(c) An order issued pursuant to this section shall be a continuing order and shall remain in effect and be binding upon any employer upon whom it is served until further order of the court. A copy of the order issued pursuant to this section shall be served upon the employer by certified mail, return receipt requested. The actual cost of certified mail shall be taxed as costs against the obligor as a service fee at the time the order is issued.

Section 3(a) Any provisions of Section 8-5-21, Code of Alabama 1975, to the contrary notwithstanding, and in addition to and independent of any other remedy provided by law for the enforcement of support for the benefit of any person or minor child, a court of this state may, in its discretion, upon the filing of a petition by the obligee, district attorney or representative of the Department of Pensions and Security and a finding that previously ordered support payments are delinquent, issue an order directing any employer of the obligor to withhold and pay over to the obligee, the clerk of the court, or the Department, whichever is appropriate, out of income due or to become due the obligor at each pay period, an amount the court finds necessary to comply with the original order of support plus, in the court's discretion, an amount reasonably sufficient to satisfy any accumulated arrearage. Provided, that the obligor shall be served with a copy of the petition and summons in such cause as is provided in the Alabama Rules of Civil Procedure, shall be afforded an opportunity to be heard at a hearing set for this purpose, and is hereby specifically entitled to notice of any wage exemptions that he may be entitled to under the laws of the State of Alabama or any applicable federal laws. Provided, further, that upon the filing of a written agreement and waiver, the obligor may waive any of the rights provided herein and the court may enter the order provided in this section without the necessity of a hearing.

(b) An order entered pursuant to this section shall recite the amount required to be withheld as continuing support at each pay period and, if so ordered, the total amount of all accumulated arrearages and the amount required to be withheld at each pay period in order to satisfy the arrearage. The order shall require withholding from the income due or becoming due the obligor at each pay period and payment to the obligee, the clerk of the court, or the Department, whichever is appropriate, of the amounts ordered pursuant to this section. If the obligor's support obligation is required to be paid on a monthly basis and his or her pay periods are at more frequent intervals, the order may require that the employer shall withhold, at each pay period, amounts cumulatively sufficient to equal the total monthly arrearage due, if ordered, and the total monthly continuing support obligation and pay over to the obligee, the clerk of the court, or the Department, once each month, the total amount of any ordered arrearage and continuing support. When payments are ordered made directly to the clerk of the court, it shall be the responsibility of the clerk to disburse the payments to the obli-

gee or the appropriate recipient.

(c) Any order entered pursuant to this section shall be a continuing order and shall remain in effect and be binding upon any employer upon whom it is served until further order of the court. An order entered pursuant to this section shall be served upon the employer by certified mail, return receipt requested. The actual cost of certified mail shall be taxed as costs against the obligor as a service fee at the time the order is issued.

4(a) When an independent, post-judgment proceeding seeking an order of income withholding is initiated as provided in section 3(a), there shall be collected, by the clerk of the court, the filing fee prescribed for other civil cases, generally, as set forth in Section 12-19-71, Code of Alabama 1975, and other applicable statutes. The fee shall be collected by the clerk at the time the proceeding is initiated and shall be disbursed as provided in Section 12-19-72, Code of Alabama 1975, and other appropriate provisions of law. Provided, that neither the State of Alabama nor any agency thereof, nor any person whom the court finds incapable of payment, upon execution of an affidavit of substantial hardship, as provided in Section 12-19-70, Code of Alabama 1975, shall be required to prepay the fees prescribed by this subsection. The court may order all costs taxed against the obligor, to be withheld from the first pay period covered by the support order and, in such instances, to be paid by the employer directly to the clerk of the court.

(b) When an order for income withholding is entered by a court of this state as a part of an original order for the payment of support or as a part of an order in any of the proceedings listed in section 2(a) of this Act, there shall be no new or additional filing fee assessed in such cases.

Section 5. An order entered pursuant to any of the provisions of this Act shall become binding upon any employer, including successive employers, fourteen (14) days after service by certified mail or service by first class mail, as provided in Section 7 of this Act, and shall remain effective until further order of the court. Provided, any order for income withholding may be modified or terminated by the court at any time upon a finding by the court of a variance in the facts as originally established by the court or due to a change in circumstances which is substantial and continuing and which is otherwise sufficient grounds, under existing and future caselaw and statutory law, for such modification or termination.

Section 6(a) The obligee, the Department of Pensions and Security or any other recipient of support payments ordered to be paid under an order of income withholding shall notify the employer and the clerk of the court of any address change. If the obligee fails to notify the employer of any such change of address and the employer is unable to deliver payments under the order for three (3) consecutive months, the employer shall not make further payment under the order and shall remit the payments to the obligor and the court shall terminate the income withholding order upon request.

(b) If the income withholding order directs payment to be made to the clerk of the court and the clerk is unable to deliver payments under the order for a period of three (3) consecutive months due to the failure of the obligee to notify the clerk of any change of address, the clerk shall not make further payment under the order and shall return the payments to their source and the court shall terminate the income withholding order upon request.

Section 7. The obligor and the employer, including successive employers, shall notify the court of any changes in employment and the name and



address, if known, of any new employer, at which time the clerk of the court shall cause to be served, by first class mail, a copy of the income withholding order upon the new employer. The new employer shall acknowledge receipt of the order within fourteen (14) days of actual receipt of the order.

Section 8. Any order to withhold income issued and served pursuant to this Act shall have priority over any notice of garnishment subsequently served upon any employer of the obligor. Any order for income withholding issued pursuant to this Act may exceed the statutory maximum amounts prescribed in Section 6-10-7, Code of Alabama 1975, for garnishment proceedings in Alabama, but may not exceed the maximum statutory amounts prescribed under federal law for garnishments issued to enforce support obligations.

Section 9. No employer who complies according to its terms with an order under this Act shall be liable to the obligor or to any other person claiming rights derived from the obligor for wrongful withholding.

Section 10. An employer who willfully fails or refuses to withhold or pay the amounts as ordered may be deemed to be in contempt of court and may be personally liable to the obligee for failure to withhold.

Section 11. No employer shall discharge an employee or refuse to hire a person because of the entry of an order of withholding or service of the same under this Act. Any employer who violates this section may be deemed to be in contempt of court.

Section 12. Sections 6-6-490 through 6-6-493, Code of Alabama 1975, are expressly repealed. The provisions of this Act shall not, however, be construed to repeal or supersede any laws not inconsistent herewith.

Section 13. The provisions of this Act are severable. If any portion of this Act shall be declared invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Act.

Section 14. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 10. JOINT INTERIM COMMITTEE TO STUDY PARKING FACILITIES IN CAPITOL COMPLEX.

Also:

S. J. R. 17. RELATING TO JOINT RULE 12 OF THE TWO HOUSES OF THE ALABAMA LEGISLATURE, AMENDING SAID RULE WITH REFERENCE TO LOCAL LEGISLATION BILLS.

Also:

S. J. R. 21. CONGRATULATING BROOKWOOD MEDICAL CENTER ON ITS 10TH ANNIVERSARY.

Also:

S. J. R. 22. CONGRATULATING OAK GROVE HIGH SCHOOL, STATE 2A FOOTBALL CHAMPIONS FOR 1983.

Also:

S. J. R. 33. COMMENDING COACH PAT DYE AND AUBURN UNIVERSITY ON THE TIGERS' SOUTHEASTERN CONFERENCE CHAMPIONSHIP.

Also:

S. J. R. 34. COMMENDING THE OAK GROVE HIGH SCHOOL TIGER BAND.

Also:

S. J. R. 35. COMMENDING MRS. ANN GALLOWAY, ANHA "ADMINISTRATOR OF THE YEAR."

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 14. WISHING SENATOR ROGER BEDFORD, JR., ALL GOOD WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

Also:

S. J. R. 15. RELATING TO THE PRINTING OF ACTS AND JOURNALS.

Also:

S. J. R. 18. COMMENDING MURPHY HIGH SCHOOL OF MOBILE, STATE 4A FOOTBALL CHAMPIONS FOR 1983.

Also:

S. J. R. 19. COMMENDING THE COLLINSVILLE PANTHERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

S. J. R. 20. EXPRESSING COMMENDATION AND SUPPORT OF THE INAUGURAL RUSSELL ATHLETIC BOWL, THE FIRST NATIONAL POP WARNER FOOTBALL CHAMPIONSHIP.

JOHN W. PEMBERTON,  
Clerk.

### FURTHER CONSIDERATION OF S. B. 26

The Senate proceeded to further consideration of the Bill, S. B. 26. The question was on the substitute offered by Senator Cooley.

On motion of Senator Cabaniss, further consideration of the Bill, S. B. 26, and pending substitute, was postponed temporarily.

### FURTHER CONSIDERATION OF S. B. 5

The Senate then proceeded to further consideration of the Bill, S. B. 5.

And said Bill, S. B. 5, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 1.

Yeas:

Senators:	Cooley	Ellis	Sanders
Amari	Corbett	Goodwin	Smith (B)
Barron	Denton	Hand	Smith (J)
Bedsole	Dixon	Menton	Strong
Bennett	Drinkard	Mitchem	Teague
Cabaniss			

—20

Nay: Senator Little —1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 58. SUPPORTING THE U. S. TROOPS STATIONED IN LEBANON.

WHEREAS, the Legislature of the State of Alabama notes with a sense of great pride the stationing of U. S. troops in Lebanon; and

WHEREAS, the role of the servicemen is integral to the peacekeeping force within the country; and

WHEREAS, along with several European Countries, the United States is attempting to halt the aggression of Syria which is merely a puppet of the U.S.S.R.; and

WHEREAS, our goal in the area is to return the Country of Lebanon to its own citizenry; and

WHEREAS, to achieve this goal, the United States has stationed several branches of her armed forces; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we most highly support and praise the peacekeeping forces of the United States.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Ronald Reagan, Commander-in-Chief of our Armed Forces, that he may be aware of our approval of his endeavors in the Middle East.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 58, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### FURTHER CONSIDERATION OF S. B. 26

The Senate proceeded to further consideration of the Bill, S. B. 26. The question was on the substitute offered by Senator Cooley.

Senator Cooley offered the following amendment to the substitute for the Bill, S. B. 26, to-wit:

**AMENDMENT TO SUBSTITUTE FOR S. B. 26**

Amend Senate Bill No. 26 Substitute Page 3 Line 25 & 26, by striking out after the word

"employer" the words by certified mail, return receipt requested." and insert in lieu thereof the words: as provided in Section 7 also on page 3 line 26 strike out the words: "certified mail" and inserting in lieu thereof the words "such service"

Also, on page 5, lines 24 & 25 strike out the words "by certified mail or service by first class mail,"

Also on page 6 lines 16-18 strike the words: by first class mail, a copy of the income withholding order upon the new employer. The new employer shall acknowledge receipt of the order within fourteen (14) days of actual receipt of the order" and insert:

as provided in the Alabama Rules of Civil procedure.

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 14; Nays 0.

Yeas:

Senators:	Dixon	Little	Smith (J)	
Bedsole	Drinkard	Menton	Strong	
Cooley	Goodwin	Sanders	Teague	
Denton	Holmes	Smith (B)		—14

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

And said Bill, S. B. 26, as amended by the substitute as amended was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Parsons	
Aldridge	Denton	Hand	Sanders	
Amari	Dial	Holmes	Smith (B)	
Bedsole	Dixon	Little	Smith (J)	
Cabaniss	Drinkard	Menton	Strong	
Cooley	Foshee	Mitchem	Teague	—23

Nays: —0

**RESOLUTIONS**

Senators Foshee and Little offered the following Senate Resolution, to-wit:

**S. R. 41. MOURNING THE TRAGIC DEATH OF PRIVATE JEFFERY TODD HATTAWAY.**

Which was adopted.

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 42. COMMENDING AIRMAN FIRST CLASS TERRY C. WANN OF STEVENSON, ALABAMA.

Which was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 9. COMMENDING MRS. BERTIE EDGE, 1983 SAINT CLAIR COUNTY COWBELLE OF THE YEAR.

Also:

H. J. R. 27. COMMENDING THE LITCHFIELD HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 28. COMMENDING THE LITCHFIELD HIGH SCHOOL BAND.

Also:

H. J. R. 29. CONGRATULATING THE EMMA SANSOM HIGH SCHOOL BAND.

Also:

H. J. R. 30. COMMENDING THE EMMA SANSOM HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 35. WELCOMING MR. OSSIE DAVIS AND MS. RUBY DEE AS HONORED GUESTS OF THE STATE OF ALABAMA.

Also:

H. J. R. 38. COMMENDING LINDA H. BAKER ON BEING NAMED "YOUNG CAREERIST — 1983."

Also:

H. J. R. 39. COMMENDING MADELYN GLASS HORSLEY ON BEING NAMED WOMAN OF THE YEAR.

Also:

H. J. R. 41. RESOLUTION MOURNING THE DEATH OF HAROLD "SHUG" WILSON.

Also:

H. J. R. 46. COMMENDING MR. AND MRS. LEONARD A. COLE ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 47. COMMENDING CARL TROTTER BROTHERS FOR HIS DEDICATION AND FAITHFUL SERVICE TO THE LORD.

Also:

H. J. R. 49. COMMENDING MISS SUSAN MELINDA HARDIN, SHELBY COUNTY'S 1983-84 JUNIOR MISS.

Also:

H. J. R. 50. COMMENDING THE MURPHY HIGH SCHOOL FOOTBALL TEAM FOR ITS CHAMPIONSHIP SEASON.

Also:

H. J. R. 59. COMMENDING AUBURN UNIVERSITY ON WINNING THE SOUTHEASTERN CONFERENCE CHAMPIONSHIP.

Also:

H. J. R. 60. HONORING DR. HUBERT BEVERLY SHEPHERD AS A REPRESENTATIVE TO THE ANIMO CRUSADE IN NIGERIA.

Also:

H. J. R. 61. COMMENDING MR. AND MRS. L. C. WINDSOR ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 62. COMMENDING MR. AND MRS. LUTHER EDGAR BETHUNE ON THEIR 53RD WEDDING ANNIVERSARY.

Also:

H. J. R. 63. COMMENDING MR. AND MRS. LEE ROY JOHNSON ON THEIR 40TH WEDDING ANNIVERSARY.

Also:

H. J. R. 64. COMMENDING THE WOODLAND HIGH SCHOOL "BOBCATS" FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 65. COMMENDING THE HANDLEY HIGH SCHOOL TIGERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

H. J. R. 66. COMMENDING RONALD D. HYCHE, AN OUTSTANDING BAND AND MUSIC TEACHER.

Also:

H. J. R. 67. COMMENDING REPRESENTATIVE ASBURY HOWARD FOR NOTABLE LEGISLATIVE AND HUMANITARIAN SERVICE.

Also:

H. J. R. 68. COMMENDING DR. C. HOWARD NEVETT FOR DISTINGUISHED RELIGIOUS AND COMMUNITY SERVICE.

Also:

H. J. R. 72. COMMENDING DR. JOHN P. ANDERSON OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 73. COMMENDING MR. CHARLES A. MAJORI.

Also:

H. J. R. 79. MOURNING THE DEATH OF JUDGE WILLIAM MACON COUSINS, ELMORE COUNTY, ALABAMA.

Also:

H. J. R. 83. CONGRATULATING MRS. MARY CELESTE ROSE MAXWELL OF MAXWELL CROSSING COMMUNITY IN TUSCALOOSA COUNTY, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

H. J. R. 84. COMMENDING THE HONORABLE AARON WALDROP OF TUSCALOOSA, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 37. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

Also:

S. J. R. 38. COMMENDING COACH LOU SCALES OF CALHOUN COUNTY'S ALEXANDRIA HIGH SCHOOL.

Also:

S. J. R. 40. MOURNING THE DEATH OF MISS CARYL LYNN

## STUCKEY OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Johnson (Roy), Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 105. COMMENDING MR. RYAN deGRAFFENRIED, JR., OF TUSCALOOSA AS LEGISLATOR OF THE YEAR.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Cosby, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 106. COMMENDING MR. RICK MANLEY OF DEMOPOLIS AS LEGISLATOR OF THE YEAR.

Also:

By Reps. McKee, Hooper, Starr, Mikell, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield,



Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 107. MOURNING THE TRAGIC DEATH OF CORPORAL HENRY "BEN" TOWNSEND, JR.

Also:

By Reps. Coleman, Rains, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 108. COMMENDING FORMER REPRESENTATIVE PHIL KELLEY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

By Reps. Rains, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 109. COMMENDING FORMER REPRESENTATIVE DAVID STOUT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 105, 106, 107, 108, and 109, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Poole, Butler, Lindsey, and Holley:

H. 24. To appropriate \$10,000 from the general fund to the Department of Public Health for the purchase of rubella vaccine to be administered for the purpose of preventing birth defects; to grant immunity to public employees administering such vaccine; and to authorize the charging of fees for such immunizations.

Also:

By Rep. Johnson (Roy):

H. 13. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 24. To the Committee on Finance and Taxation.

H. B. 13. To the Committee on Judiciary.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 2

S. J. R. 4

S. J. R. 6

S. J. R. 7

Delivered to the Governor, December 1, 1983, at 12:15 P.M.

McDOWELL LEE,  
Secretary.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 1:40 P.M., on motion of Senator Denton, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Monday, December 12, 1983, at 1 o'clock P.M.

**SIXTH LEGISLATIVE DAY  
MONDAY, DECEMBER 12, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by Dr. Karl K. Stegall, Minister, First United Methodist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	deGraffenried	Foshee	Menton
Aldridge	Denton	Goodwin	Parsons
Bedsole	Dial	Hand	Sanders
Bennett	Dixon	Hilliard	Smith (B)
Cooley	Drinkard	Holmes	Smith (J)
Corbett	Ellis	Langford	Strong
Covington	Figures	Little	Teague

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**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

MAC PARSONS,  
Vice-Chairperson.

**COMMITTEE REPORT**

On motion of Senator Parsons, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Teague, leave of absence was granted Senators Amari, Bailey, Barron, Bedford, Bishop, Cabaniss, Mitchem, and Pearson for today.

**RESOLUTIONS**

Senators Parsons, Teague, and Corbett offered the following Senate Joint Resolution, to-wit:

**S. J. R. 43. COMMENDING MR. LECH WALESIA OF POLAND FOR BEING AWARDED THE NOBEL PEACE PRIZE.**

WHEREAS, Mr. Lech Walesa of Poland has recently been awarded the

Nobel Peace Prize as a courageous fighter for the rights of oppressed workers; and

WHEREAS, Mr. Walesa has stood tall for the individual's human rights in the working community; and

WHEREAS, Mr. Walesa has become a symbol of the oppressed workers of the world, not unlike the overworked and underpaid employees of the State of Alabama who desire the opportunity and right to join and participate in independent labor unions in Alabama; and

WHEREAS, Mr. Walesa has elevated his position within his own labor union, solidarity, to that of a universal representative of free thought and free action within the working place; and

WHEREAS, Mr. Walesa has stood strong against the same type of terrorism that tortured Alabama's beloved U.S. Senator Jeremiah Denton; and

WHEREAS, the working men and women of Alabama feel a particular kinship to Mr. Walesa's strong brand of heroism against oppressive, political power of the Communist Party; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Mr. Lech Walesa's heroism and outstanding achievement as defender of the rights of all public employees of the world.

On motion of Senator Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 44. ENDORSING THE PROCLAMATION OF JANUARY 1984 AS MEDICAL EYE MONTH.

WHEREAS, the precious gift of eyesight is recognized by the American people as the most valuable of the senses; and

WHEREAS, the National Society to Prevent Blindness has declared that half of all blindness can be prevented; and

WHEREAS, such unnecessary blindness can be prevented when early medical attention is obtained, or when safety devices are worn to protect the eyes; and

WHEREAS, the Alabama Academy of Ophthalmology includes many qualified eye physicians and surgeons along with outstanding medical facilities for proper care and treatment of those threatened by blindness; and

WHEREAS, citizens of Alabama should become aware of the importance of regular medical eye examinations and seek direct help from medical eye doctors when eye conditions which may lead to blindness are first experienced; and

WHEREAS, many Alabamians are experiencing significant economic and unemployment problems which may prevent their obtaining proper medical eye examinations; and

WHEREAS, participating ophthalmologists throughout Alabama will provide free vision/glaucoma screenings in their offices on Wednesday, January 18th, and Wednesday, January 25th; and

WHEREAS, the month of January has been designated National Eye Health Care Month by U.S. Senate Resolution 54, and many other states

have corresponding programs; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING,** That we hereby endorse the proclamation of January 1984 as Medical Eye Month in the State of Alabama.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

### REPORTS OF COMMITTEES

Senator Smith (B), Chairperson of the Standing Committee on Industrial Expansion, Economic Growth and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Clark (J) and Campbell:

H. 19. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Johnson (Roy) (With Substitute) (With Amendments):

H. 13. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Ford, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 100. RECOGNIZING DECEMBER 7, AS PEARL HARBOR DAY.

WHEREAS, on December 7, 1941, at 7:55 a.m. local time while peace negotiations were going on with Japanese representatives in Washington, Japanese carrier-based planes swept in without warning over Oahu and in a surprise attack, attacked the bulk of the United States Pacific fleet, moored in Pearl Harbor; and

WHEREAS, nineteen naval vessels, including eight battleships, were sunk or severely damaged and 188 United States aircraft were destroyed; and

WHEREAS, our military casualties were 2,280 killed and 1,109 wounded and 68 civilians were also killed on this day of infamy in 1941; and

WHEREAS, as a result, on December 8, 1941, the United States declared war on Japan; and

WHEREAS, the United States ultimately succeeded in a military victory over Japan; and

WHEREAS, Pearl Harbor is now a national historic landmark where a memorial has been built over the sunken hulk of the USS Arizona; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That forty-two years later we recognize this day, December 7, as Pearl Harbor Day, in memory of those who gave their lives at Pearl Harbor in defense of our country.

BE IT FURTHER RESOLVED, That this day should stand as a warning that this country should never again be caught off guard in the defense of its shores, and in defense in the principals of freedom.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the President of the United States, to the Secretary of Defense of the United States and to all of the members of the Alabama Congressional Delegation in Washington, D.C., as an expression of the Legislature of Alabama and the people whom we represent, that this country should always maintain its military superiority in order to discourage and prevent any such acts of aggression that might be contemplated by another foreign power.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 100, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### REPORT FROM RULES

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 51. COMMENDING OUR COLLEAGUE, REPRESENTATIVE BETH MARIETTA, OF THEODORE, ALABAMA.

On motion of Senator Bedsole, the Resolution was then concurred in and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 53. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

Also:

H. J. R. 54. HONORING MR. BILL PIKE FOR HIS MANY YEARS OF SERVICE WITH THE CENTER POINT FIRE DEPARTMENT.

Also:

H. J. R. 55. COMMENDING MR. CARL BOSECK.

Also:

H. J. R. 57. COMMENDING TRI-GLASS INDUSTRIES OF DALEVILLE, ALABAMA'S FASTEST GROWING COMPANY.



Also:

H. J. R. 8. COMMENDING MISS ALICE MARSHALL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 7. COMMENDING MISS SHERON J. ROSE FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 6. COMMENDING MISS REGINA M. QUICK FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 105. COMMENDING MR. RYAN deGRAFFENRIED, JR., OF TUSCALOOSA AS LEGISLATOR OF THE YEAR.

Also:

H. J. R. 106. COMMENDING MR. RICK MANLEY OF DEMOPOLIS AS LEGISLATOR OF THE YEAR.

Also:

H. J. R. 108. COMMENDING FORMER REPRESENTATIVE PHIL KELLEY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 109. COMMENDING FORMER REPRESENTATIVE DAVID STOUT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 107. MOURNING THE TRAGIC DEATH OF CORPORAL HENRY "BEN" TOWNSEND, JR.

Also:

H. J. R. 48. COMMENDING MR. AND MRS. PEARLIE HOLLAND ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 44. COMMENDING MR. AND MRS. W. E. HATLEY ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 45. CONGRATULATING MR. FLOYD PRADY ON HIS RETIREMENT.

Also:

H. J. R. 43. COMMENDING MR. AND MRS. COLEMAN COMBS ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 42. COMMENDING JEFFREY EVERS, CHICKASAW, ALABAMA.

Also:

H. J. R. 40. CONGRATULATING MR. AND MRS. CLARENCE ALLEN BARKLEY OF SWEET WATER, ALABAMA, ON THE OCCASION OF THEIR 65TH WEDDING ANNIVERSARY.

Also:

H. J. R. 34. COMMENDING MR. AND MRS. HOMER McCAULEY ON THEIR 64TH WEDDING ANNIVERSARY.

Also:

H. J. R. 33. COMMENDING MR. AND MRS. JOHN THRASH ON THEIR 70TH WEDDING ANNIVERSARY.

On motion of Senator Denton, the Resolutions were then concurred in and adopted by the Senate.

### RESOLUTIONS

Senators Corbett, Parsons, Teague, Cooley, Bennett, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bishop, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Mitchem, Pearson, Sanders, Smith (B), Smith (J) and Strong offered the following Senate Joint Resolution, to-wit:

S. J. R. 45. COMMENDING MR. BARNEY WEEKS UPON HIS RETIREMENT AS PRESIDENT OF THE ALABAMA LABOR COUNCIL, AFL-CIO.

WHEREAS, Mr. Barney Weeks, a native of Randolph, Alabama, and a resident of Birmingham, retired recently as President of the Alabama Labor Council, AFL-CIO; and

WHEREAS, Mr. Weeks, first elected president in 1957, served the Council with dedicated distinction for a total of 26 years, during which tenure he also served, variously, as president of the Southern Labor School, as a founder and secretary-treasurer of the AFL-CIO Appalachian Council and as a member of the AFL-CIO Committee on State and Local Central Bodies; and

WHEREAS, Mr. Weeks has been, indeed, a staunch supporter of and champion for rights of the working men and women in our State and nationwide as well; and

WHEREAS, in addition to his official advocacy for organized labor, Mr. Weeks' activities and involvement extended to include numerous community, civic and political affairs in such specific areas as Mental Health, HEW, Rehabilitation and Crippled Childrens Service, Sertoma International Center for Communicative Disorders, the University of Alabama Law Center and both the American Red Cross and American Lung Associations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Mr. Barney Weeks on his distinguished career with the Alabama Labor Council; we further wish him every continuing success in life and direct

that he receive a copy of this resolution in token of our highest esteem and regard.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Resolution, to-wit:

**S. R. 46. COMMENDING MR. LEROY A. SIMMS, HUNTSVILLE 1983 DISTINGUISHED CITIZEN.**

WHEREAS, the Alabama Senate notes with sincere commendation the selection of Mr. Leroy Alanson Simms as the recipient of Huntsville's 1983 Distinguished Citizen Award; and

WHEREAS, Mr. Simms, who is Editor and Publisher of *The Huntsville Times*, was selected for such high honor by the Huntsville-Madison County Chamber of Commerce, an annual designation in recognition of outstanding leadership; and

WHEREAS, Mr. Simms was most particularly recognized for his dedication to the educational, economic and social progress of the people of his community; and

WHEREAS, a man of many singular and outstanding qualities, Mr. Simms is a former veteran of 25 years' service with the Associated Press and a former managing editor of *The Birmingham News*; and

WHEREAS, his involvements, beyond distinguished journalism, extend to include many civic and community affairs and in such specific area as UAH, United Way, the Defense and Aerospace Agencies at Redstone Arsenal, the local Chamber of Commerce and the former Huntsville Industrial Expansion Committee, among others; and

WHEREAS, Mr. Simms, professionally, is a past president of the Alabama Associated Press Association and has held a number of other offices in state press organizations; he is the recipient also of such prestigious awards as the Annual Brotherhood Award of the National Conference of Christians and Jews; now therefore,

**BE IT RESOLVED BY THE ALABAMA SENATE,** That we hereby most highly praise Mr. Leroy A. Simms of Huntsville, Alabama, for exceptional achievement and direct that he receive a copy of this resolution in small token of our utmost regard.

Which was read and referred to the Standing Committee on Rules.

#### **ELECTION OF MEMBERS TO LEGISLATIVE COMMITTEE ON EXAMINERS OF PUBLIC ACCOUNTS**

The Senate proceeded to the election of two Senate members to the Legislative Committee on Examiners of Public Accounts, which was necessitated by vacancies.

On motion of Senator Teague, further consideration of the elections of members to the Legislative Committee on Examiners of Public Accounts was postponed until the Seventh Legislative Day.

#### **ELECTION OF MEMBERS TO ALABAMA SUNSET REVIEW COMMITTEE**

The Senate then proceeded to the election of a Senate member to the Alabama Sunset Review Committee, which was necessitated by a vacancy.

On motion of Senator Teague, further consideration of the election of a member to the Alabama Sunset Review Committee was postponed until the Seventh Legislative Day.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Rains, Burke, and Browder:

H. J. R. 93. COMMENDING MR. AND MRS. JAMES ALLEN JOHNSON ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. White (F.):

H. J. R. 94. COMMENDING MR. AND MRS. RUFUS WHITE OF POLLARD, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Zoghby, Turner, Marietta, Gaston, Box, Buskey (James), Kennedy, Clark (W.), Kvalheim, and Harper:

H. J. R. 96. MOURNING THE DEATH OF MRS. CORNELIA McDUFFIE TURNER OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 93, 94, and 96, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Payne, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 88. COMMENDING FORMER REPRESENTATIVE VAN

**SCOTT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.**

Also:

By Reps. Payne, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

**H. J. R. 89. COMMENDING FORMER REPRESENTATIVE JARUSHIA THORNTON FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.**

Also:

By Reps. Payne, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

**H. J. R. 90. COMMENDING FORMER REPRESENTATIVE ROBERT C. GAFFORD FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 88, 89, and 90, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Payne, Adams, Albright, Bachus, Beers, Biddle, Black, Blake,

Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 86. COMMENDING FORMER REPRESENTATIVE J. T. WAGGONER FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

By Rep. Payne:

H. J. R. 87. COMMENDING FORMER REPRESENTATIVE DON MURPHY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 86 and 87, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Box, Turner, Onderdonk, Blakeney, Penry, Clark (W), White (F), McMillan, Kennedy, Buskey (James), Zoghby, Marietta, Kvalheim, Gaston, and Harper:

H. J. R. 75. CLARIFYING THE LEGISLATIVE INTENT WITH RESPECT TO THE DISTRIBUTION FORMULA FOR SEVERANCE TAX IN SECTION 40-20-8, CODE OF ALABAMA 1975.

WHEREAS, the Legislature notes that the State of Alabama has made payments to certain municipalities from proceeds derived from oil and gas severance tax pursuant to Section 40-20-8, Code of Alabama 1975, as amended, because of a certain Attorney General's Opinion, dated August 19, 1980, relating to "Oil Severance Taxation-Distribution," in part, and also because of a lower court decision and then pending litigation which recently appears resolved; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That it was the legislative intent, at the time of enactment of Section 40-20-8, Code of Alabama 1975, as last amended, to not decrease the funds going to the municipalities.

BE IT RESOLVED FURTHER, That it is the legislative intent that no payments as a result of said Attorney General's Opinion should be repaid by the municipalities and such payments in error, made in good faith, should be ratified, affirmed and confirmed.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the State Comptroller and the Attorney General of the State of Alabama, as well as the Examiners of Public Accounts.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 75, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### ADJOURNMENT

At 2:20 P.M., on motion of Senator Denton, the Senate adjourned until Tuesday, December 13, 1983, at 10 o'clock A.M.

**SEVENTH LEGISLATIVE DAY  
TUESDAY, DECEMBER 13, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Mike Riddle, Pastor, Memorial Heights Baptist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Cooley	Foshee	Mitchem
Aldridge	Corbett	Goodwin	Parsons
Amari	Covington	Hand	Pearson
Bailey	deGraffenried	Hilliard	Sanders
Barron	Denton	Holmes	Smith (B)
Bedsole	Dial	Langford	Smith (J)
Bennett	Dixon	Little	Strong
Bishop	Ellis	Menton	Teague
Cabaniss	Figures		

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**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Teague, leave of absence was granted Senators Bedford and Drinkard for today.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 47. RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business



taking precedence over all other matters upon reaching bills on third reading for the seventh legislative day of the 1983 fourth special session only:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 13	Tax laws; enforcement, collection, assessment	Supplement 2

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Tuskegee Institute Board of Trustees.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 12th day of December, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Tuskegee Institute Board of Trustees for the term expiring October 1, 1988:

Mrs. Tom Radney  
234 Ridgeway Drive  
Alexander City, AL 35010

Respectfully submitted,

GEORGE C. WALLACE,  
Governor.

Done this 12th day of December, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Tuskegee Institute, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an

appointment to the Board of Pensions & Security.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 12th day of December, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Board of Pensions & Security for the term expiring August 28, 1989:

Mrs. Eileen Mann  
Owens Cross Road, AL 35763

Respectfully submitted,

GEORGE C. WALLACE,  
Governor.

Done this 12th day of December, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Pensions and Security, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Pensions & Security.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 12th day of December, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Board of Pensions & Security for the term expiring August 28, 1989:

Mrs. Carolyn Casey  
207 Duke Drive  
P. O. Box 266  
Heflin, Alabama 36264

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 12th day of December, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Pensions and Security, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the University of North Alabama Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 12th day of December, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the University of North Alabama Board of Trustees for the term expiring September 9, 1995:

Mr. R. Lonnie Flippo  
Chem-Haulers, Inc.  
P. O. Box 339  
Florence, AL 35630

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 12th day of December, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of North Alabama, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the University of North Alabama Board of Trustees.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 12th day of December, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the University of North Alabama Board of Trustees for the term expiring September 9, 1995:

Mr. H. Grady Jacobs  
Bridgeport, AL 35740

Respectfully submitted,

GEORGE C. WALLACE,  
Governor.

Done this 12th day of December, 1983.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of North Alabama, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the University of North Alabama Board of Trustees.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 12th day of December, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the University of North Alabama Board of Trustees for the term expiring Sep-

tember 9, 1995:

Mrs. Mary Ella Potts  
Gardendale, AL 35071

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 12th day of December, 1983.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of North Alabama, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Troy State University Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 12th day of December, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Troy State University Board of Trustees for the term expiring October 19, 1995:

Mr. Wallace Malone, Jr.  
4420 Fredericksburg Drive  
Mountain Brook, AL 35223

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 12th day of December, 1983.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Troy State University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Troy State University Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 12th day of December, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Troy State University Board of Trustees for the term expiring October 19, 1995:

Mr. Robert E. Kelley  
3317 Sommerville Drive  
Montgomery, AL 36101

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 12th day of December, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Troy State University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Troy State University Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 12th day of December, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Troy State University Board of Trustees for the term expiring October 19, 1995:

Mr. C. J. Hartley  
1005 Canterbury Road  
Tuscaloosa, AL 35401

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 12th day of December, 1983.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Troy State University, was read and referred to the Standing Committee on Rules.

### REPORTS OF COMMITTEES

Senator Little, Deputy Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Poole, Butler, Lindsey, and Holley:

H. 24. To appropriate \$10,000 from the general fund to the Department of Public Health for the purchase of rubella vaccine to be administered for the purpose of preventing birth defects; to grant immunity to public employees administering such vaccine; and to authorize the charging of fees for such immunizations.

### ELECTION OF MEMBERS TO LEGISLATIVE COMMITTEE ON EXAMINERS OF PUBLIC ACCOUNTS

The Senate proceeded to the election of Senate members to the Legislative Committee on Examiners of Public Accounts.

Senator Dixon nominated Senator Covington.

Senator Smith (B) then nominated Senator Holmes.

On motion of Senator Smith (B), the nominations to the Legislative Committee on Examiners of Public Accounts were closed.

On motion of Senator Goodwin, Senator Covington was elected as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton
Aldridge	deGraffenried	Goodwin	Sanders
Bailey	Denton	Hand	Smith (B)
Bedsale	Dixon	Langford	Smith (J)
Cabaniss	Ellis	Little	Strong

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Nays:

—0

On motion of Senator Goodwin, Senator Holmes was elected as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Aldridge	deGraffenried	Goodwin	Sanders	
Bailey	Denton	Hand	Smith (B)	
Bedsole	Dixon	Langford	Smith (J)	
Cabaniss	Ellis	Little	Strong	—19

Nays:

—0

### ELECTION OF MEMBERS TO ALABAMA SUNSET REVIEW COMMITTEE

The Senate then proceeded to the election of Senate members to the Alabama Sunset Review Committee.

Senator Aldridge nominated Senator Corbett.

On motion of Senator Dixon, the nominations to the Alabama Sunset Review Committee were closed.

On motion of Senator Aldridge, Senator Corbett was elected as a member of the Alabama Sunset Review Committee.

Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Menton	
Aldridge	Denton	Hand	Smith (B)	
Bailey	Dial	Holmes	Smith (J)	
Bedsole	Dixon	Langford	Strong	
Cabaniss	Ellis	Little	Teague	
Covington	Foshee			—21

Nays:

—0

### SPECIAL ORDER BILLS ON THIRD READING

The Senate then proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 13. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.



The Standing Committee on Judiciary reported the following substitute for the Bill, H. B. 13, to-wit:

**COMMITTEE SUBSTITUTE FOR H. B. 13**

**A BILL  
TO BE ENTITLED  
AN ACT**

The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as the "Tax Enforcement and Compliance Act" or "TECA."

Section 2. Application—Intent—Conflicting provisions.

The provisions of this chapter shall apply to every public tax, license or fee, and/or any penalty or interest payable thereon, levied under the provisions of any existing or hereafter enacted law which is codified in Title 40 or any other title and is collectible by the Commissioner of Revenue.

The purpose of this chapter is to supplement and clarify existing provisions of the general law relating to the enforcement and collection of taxes. The provisions of this chapter shall be complimentary and in addition to all other provisions of law. In the event of any conflict between the provisions of this chapter and those of any other specific statutory provisions contained in other chapters of Title 40, or of any other title, it is hereby declared to be the legislative intent that, to the extent such other specific provisions are inconsistent with or different from the provisions of this chapter, the provisions of this chapter shall prevail. It is the intent of the Legislature that no part of this Act shall be construed so as to supercede any due process requirements presently in effect under Title 40, Code of Alabama 1975.

**SUBCHAPTER A  
COLLECTIONS**

Section 3. Lien for Taxes.

If any person liable to pay any tax, other than ad valorem tax, neglects or refuses to pay the same, the amount (including any interest, additional amount, addition to tax, or assessable penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the State of Alabama upon all property and rights to property, whether real or personal, tangible or intangible, belonging to such person. The Department of Reve-

nue shall give notice of lien to the taxpayer.

**Section 4. Period of lien.**

Unless another date is specifically fixed by law, the lien imposed by Section 3 of this subchapter shall arise at the time the assessment list, return therefor or the payment thereof, whichever is prior, was due to have been filed with or made to the Revenue Department, and shall continue until the liability for the amount so assessed (or a judgment against the taxpayer arising out of such liability) is satisfied or becomes unenforceable by reason of lapse of time.

**Section 5. Validity and priority against certain persons.**

(a) Purchasers, holders of security interests, mechanic's lienors, and judgment lien creditors.—The lien imposed by Section 3 of this subchapter shall not be valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice thereof which meets the requirements of subsection (f) has been filed by the Commissioner of Revenue or his delegate.

(b) Protection for certain interest even though notice filed.—Even though notice of a lien imposed by Section 3 has been filed, such lien shall not be valid—

(1) Securities.—With respect to a security [as defined in subsection (g) (4)]—

(A) as against a purchaser of such security who at the time of purchase did not have actual notice or knowledge of the existence of such lien; and

(B) as against a holder of a security interest in such security who, at the time such interest came into existence, did not have actual notice or knowledge of the existence of such lien.

(2) Motor vehicles.—With respect to a motor vehicle [as defined in subsection (g) (3)], as against a purchaser of such motor vehicle, if—

(A) at the time of the purchase such purchaser did not have actual notice or knowledge of the existence of such lien, and

(B) before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

(3) Personal property purchased at retail.—With respect to tangible personal property purchased at retail, as against a purchaser in the ordinary course of the seller's trade or business, unless at the time of such purchase such purchaser intends such purchase to (or knows such purchase will) hinder, evade, or defeat the collection of any tax under this title.

(4) Personal property purchased in casual sale.—With respect to household goods, personal effects, or other tangible personal property purchased (not for resale) in a casual sale for less than \$250, as against the purchaser, but only if such purchaser does not have actual notice or knowledge (A) of the existence of such lien, or (B) that this sale is one of a series of sales.

(5) Personal property subject to possessory lien.—With respect to tangible personal property subject to a lien securing the reasonable price of the repair or improvement of such property, as against a holder of such a lien, if

such holder is, and has been, continuously in possession of such property from the time such lien arose.

(6) Real property tax.—With respect to real property, as against a holder of a lien upon such property, if such lien is entitled to priority over security interests in such property which are prior in time, and such lien secures payment of ad valorem tax.

(7) Real property subject to a mechanic's lien for certain repairs and improvements.—With respect to real property subject to a lien for repair or improvement as against a mechanic's lienor, but only if the contract price on the contract with the owner is not more than \$1,000.

(8) Attorneys' liens.—With respect to a judgment or other amount in settlement of a claim or of a cause of action, as against an attorney who holds a lien upon or a contract enforceable against such judgment or amount, to the extent of his reasonable compensation for obtaining such judgment or procuring such settlement.

(9) Certain insurance contracts.—With respect to a life insurance, endowment, or annuity contract, as against the organization which is the insurer under such contract, at any time—

(A) before such organization had actual notice or knowledge of the existence of such lien; or

(B) after such organization had such notice or knowledge, with respect to advances required to be made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge.

(c) Protection for certain commercial transactions financing agreements, etc.—

(1) In general.—To the extent provided in this subsection, even though notice of a lien imposed by section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing but which—

(A) is in qualified property covered by the terms of a written agreement entered into before tax lien filing and constituting—

(i) a commercial transactions financing agreement,

(ii) a real property construction or improvement financing agreement, or

(iii) an obligatory disbursement agreement, and

(B) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(2) Commercial transactions financing agreement.—For purposes of this subsection—

(A) Definition.—The term "commercial transactions financing agreement" means an agreement (entered into by a person in the course of his trade or business)—

(i) to make loans to the taxpayer to be secured by commercial financing security acquired by the taxpayer in the ordinary course of his trade or business, or

(ii) to purchase commercial financing security (other than inventory)

acquired by the taxpayer in the ordinary course of his trade or business; but such an agreement shall be treated as coming within the term only to the extent that such loan or purchase is made before the 46th day after the date of tax lien filing or (if earlier) before the lender or purchaser had actual notice or knowledge of such tax lien filing.

(B) **Limitation on qualified property.**—The term “qualified property”, when used with respect to a commercial transactions financing agreement, includes only commercial financing security acquired by the taxpayer before the 46th day after the date of tax lien filing.

(C) **Commercial financing security defined.**—The term “commercial financing security” means (i) paper of a kind ordinarily arising in commercial transactions, (ii) accounts receivable, (iii) mortgages on real property, and (iv) inventory.

(D) **Purchaser treated as acquiring security interest.**—A person who satisfies subparagraph (A) by reason of clause (ii) thereof shall be treated as having acquired a security interest in commercial financing security.

(3) **Real property construction or improvement financing agreement.**—For purposes of this subsection—

(A) **Definition.**—The term “real property construction or improvement financing agreement” means an agreement to make cash disbursements to finance—

- (i) the construction or improvement of real property,
- (ii) a contract to construct or improve real property, or
- (iii) the raising or harvesting of a farm crop or the raising of livestock or other animals.

For purposes of clause (iii), the furnishing of goods and services shall be treated as the disbursement of cash.

(B) **Limitation on qualified property.**—The term “qualified property”, when used with respect to a real property construction or improvement financing agreement, includes only—

- (i) in the case of subparagraph (A) (i), the real property with respect to which the construction or improvement has been or is to be made,
- (ii) in the case of subparagraph (A) (ii), the proceeds of the contract described therein, and
- (iii) in the case of subparagraph (A) (iii), property subject to the lien imposed by Section 3 at the time of tax lien filing and the crop or the livestock or other animals referred to in subparagraph (A) (iii).

(4) **Obligatory disbursement agreement.**—For purposes of this subsection—

(A) **Definition.**—The term “obligatory disbursement agreement” means an agreement (entered into by a person in the course of his trade or business) to make disbursements, but such an agreement shall be treated as coming within the term only to the extent of disbursements which are required to be made by reason of the intervention of the rights of a person other than the taxpayer.

(B) **Limitation on qualified property.**—The term “qualified property”, when used with respect to an obligatory disbursement agreement, means

property subject to the lien imposed by Section 3 at the time of tax lien filing and [to the extent that the acquisition is directly traceable to the disbursements referred to in subparagraph (A)] property acquired by the taxpayer after tax lien filing.

(C) Special rules for surety agreements.—Where the obligatory disbursement agreement is an agreement ensuring the performance of a contract between the taxpayer and another person—

(i) the term “qualified property” shall be treated as also including the proceeds of the contract the performance of which was ensured, and

(ii) if the contract the performance of which was ensured was a contract to construct or improve real property, to produce goods, or to furnish services, the term “qualified property” shall be treated as also including any tangible personal property used by the taxpayer in the performance of such ensured contract.

(d) 45 day period for making disbursement.—Even though notice of a lien imposed by Section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing by reason of disbursements made before the 46th day after the date of tax lien filing, or (if earlier) before the person making such disbursements had actual notice or knowledge of tax lien filing, but only if such security interest—

(1) is in property (A) subject at the time of tax lien filing, to the lien imposed by Section 3, and (B) covered by the terms of a written agreement entered into before tax lien filing, and

(2) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(e) Priority of interest and expenses.—If the lien imposed by Section 3 is not valid as against a lien or security interest, the priority of such lien or security interest shall extend to—

(1) any interest or carrying charges upon the obligation secured,

(2) the reasonable charges and expenses of an indenture trustee or agent holding the security interest for the benefit of the holder of the security interest,

(3) the reasonable expenses, including reasonable compensation for attorneys, actually incurred in collecting or enforcing the obligation secured,

(4) the reasonable costs of insuring, preserving, or repairing the property to which the lien or security interest relates,

(5) the reasonable costs of insuring payment of the obligation secured, and

(6) amounts paid to satisfy any lien on the property to which the lien or security interest relates, but only if the lien so satisfied is entitled to priority over the lien imposed by Section 3, to the extent that any such item has the same priority as the lien or security interest to which it relates.

(f) Place for filing; form.—

(1) Place for filing.—The notice referred to in subsection (a) shall be filed

(A) Real property.—In the case of real property, in the probate office

of the county in which the property subject to the lien is situated; and

(B) Personal property.—In the case of personal property, whether tangible or intangible, in the office (i) in which a financing statement would be filed to perfect a security interest with respect to such property pursuant to the Alabama Uniform Commercial Code, or (ii) of the Secretary of State, if a financing statement would not be required to be filed to perfect a security interest with respect to such property; provided, however, if the property is a motor vehicle (as defined under sub-section (g) (3) of Section 5), the tax lien shall be perfected in the same manner as a security interest is required to be perfected with respect to such motor vehicle. Such notice shall be effective as to any third party only when properly included by name in the index of such financing statements available for public inspection, and shall not be effective against a third party who relies upon a certification of such filings obtained in the manner provided in Section 7-9-407 of the Code of Alabama 1975 if such notice is omitted from the certification. Each filing officer shall reflect such notices in any certificate provided pursuant to Section 7-9-407.

(2) Form.—The form and content of the notice referred to in subsection (a) shall be prescribed by the Commissioner of Revenue or his delegate. Such notice shall be valid notwithstanding any other provision of law regarding the form or content of a notice of lien.

(g) Definitions.—For purposes of this section

(1) Security interest.—the term “security interest” means any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest exists at any time (A) if, at such time, the property is in existence and the interest has become protected against a subsequent judgment lien arising out of an unsecured obligation, and (B) to the extent that, at such time, the holder has parted with money or money’s worth.

(2) Mechanic’s lienor.—The term “mechanics lienor” means any person who has a lien on real property (or on the proceeds of a contract relating to real property) for services, labor, or materials furnished in connection with the construction or improvement of such property. For purposes of the preceding sentence, a person has a lien on the earliest date such lien becomes valid against subsequent purchasers without actual notice, but not before he begins to furnish the services, labor or materials.

(3) Motor vehicle.—The term “motor vehicle” means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.

(4) Security.—The term “security” means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by a corporation or a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(5) Tax lien filing.—The term “tax lien filing” means the filing of notice (referred to in subsection (a)) of the lien imposed by Section 3.

(6) Purchaser.—The term “purchaser” means a person who, for adequate and full consideration in money or money’s worth, acquires an interest (other than a lien or security interest) in property which is valid against

subsequent purchasers without actual notice. In applying the preceding sentence for purposes of subsection (a) of this section—

- (A) a lease of property,
  - (B) a written executory contract to purchase or lease property,
  - (C) an option to purchase or lease property or any interest therein, or
  - (D) an option to renew or extend a lease of property, which is not a lien or security interest shall be treated as an interest in property.
- (i) Special rules.—

(1) Actual notice or knowledge.—For purposes of this subchapter, an organization shall be deemed for purposes of a particular transaction to have actual notice or knowledge of any fact from the time such fact is brought to the attention of the individual conducting such transaction, and in any event for the time such fact would have been brought to such individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routine. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(2) Subrogation.—Where one person is subrogated to the rights of another with respect to a lien or interest, such person shall be subrogated to such rights for purposes of any lien imposed by Section 3.

(3) Disclosure of amount of outstanding lien.—If a notice of lien has been filed pursuant to subsection (f), the Commissioner or his delegate is authorized to provide by regulations the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by the lien may be disclosed.

#### Section 6. Levy and distraint.

(a) Authority of Commissioner or delegate.—If any person liable to pay any final assessment of tax neglects or refuses to pay the same within 30 days after notice and demand, it shall be lawful for the Commissioner of Revenue or his delegate to collect such tax (and such further sum as shall be sufficient to cover the expenses of the levy) by levy upon all property and rights to property belonging to such person or on which there is a lien provided in this chapter for the payment of such tax. If the Commissioner of Revenue or his delegate makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the Commissioner of Revenue or his delegate and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the 10-day period provided in this section. The Commissioner of Revenue or his delegate shall procure a temporary restraining order from the appropriate Circuit Court of Alabama prior to a jeopardy levy for which said court may order the taxpayer restrained from disposing of any assets or otherwise provide for other means to insure collection of the tax liability.

(b) Seizure and sale of property.—The term "levy" as used in this title includes the power of distraint and seizure by any lawful means. Except as otherwise provided in subsection (d)(3), a levy shall extend only to property possessed and obligations existing at the time thereof. In any case in

which the Commissioner of Revenue may levy upon property or rights to property, he may seize and sell such property or rights to property (whether real or personal, tangible or intangible), as prescribed by law.

(c) Successive seizures.—Whenever any property or right to property upon which levy has been made by virtue of subsection (a) is not sufficient to satisfy the claim of the State of Alabama for which levy is made, the Commissioner of Revenue or his delegate may, thereafter, and as often as may be necessary, proceed to levy in like manner upon any other property liable to levy of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

(d) Requirement of notice before levy.

(1) In general.—Levy may be made under subsection (a) upon the salary or wages or other property of any person with respect to any unpaid tax only after the Commissioner of Revenue has notified such person in writing of his intention to make such levy.

(2) 10-day requirement.—The notice required under paragraph (1) shall be served in any one of the following methods

(A) given in person.

(B) left at the dwelling or usual place of business of such person, or

(C) sent by certified or registered mail to such person's last known address, no less than 10 days before the day of the levy.

(3) Jeopardy.—Paragraph (1) shall not apply to a levy if the Commissioner of Revenue has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy.

(e) Continuing levy on salary and wages.—

(1) Effect of levy.—The effect of a levy on salary or wages payable to or received by a taxpayer shall be continuous from the date such levy is first made until the liability out of which such levy arose is satisfied; provided, however, that no such levy made shall be more than 25% of the total wages or salary due the taxpayer.

(2) Release and notice of release.—With respect to a levy described in paragraph (1), the Commissioner of Revenue shall within ten (10) days release the levy when the liability out of which such levy arose is satisfied and shall promptly notify the person upon whom such levy was made that such levy has been released.

#### Section 7. Surrender of property subject to levy.

(a) Requirement.—Except as otherwise provided in subsection (b), any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made shall, upon demand of the Commissioner of Revenue or his delegate, surrender such property or rights (or discharge such obligation) to the Commissioner of Revenue or his delegate, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) Enforcement of levy.—

(1) Extent of personal liability.—Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the Commissioner of Revenue, shall be liable in his own person and es-



tate to the State of Alabama in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which such levy has been made, together with costs and interest on such sum at an annual rate established by law from the date of such levy [or, in the case of a levy described in Section 6 (d)(3), from the date such person would otherwise have been obligated to pay over such amounts to the taxpayer]. Any amount (other than costs and the 50% penalty provided in subparagraph 2 below) recovered under this paragraph shall be credited against the tax liability for the collection of which such levy was made.

(2) **Penalty for violation.**—In addition to the personal liability imposed by paragraph (1), if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property without reasonable cause, such person shall be liable for a penalty equal to 50 percent of the amount recoverable from the property under his control. No part of such penalty shall be credited against the tax liability for the collection of which such levy was made.

(c) **Effect of honoring levy.**—Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the Commissioner of Revenue or his delegate, surrenders such property or rights to property (or discharges such obligation) to the Commissioner of Revenue or his delegate, or who pays a liability under subsection (b)(1), shall be discharged from any obligation or liability to the delinquent taxpayer with respect to such property or rights to property arising from such surrender or payment.

(d) **Person defined.**—The term "person" as used in subsection (a) includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to surrender the property or rights to property, or to discharge the obligation.

#### Section 8. Production of books.

If a levy has been made on any property, or right to property, any person having custody or control of any books or records containing evidence or statements relating to the property or rights to property subject to levy, shall, upon demand of the Commissioner of Revenue or his delegate, exhibit such books or records to the Commissioner of Revenue or his delegate.

#### Section 9. Sale of seized property.

(a) **Notice of seizure.**—As soon as practicable after seizure of property, notice in writing shall be given by the Commissioner of Revenue or his delegate to the owner of the property (or, in the case of personal property, the possessor thereof), or shall be left at his usual place of abode or business. If the owner cannot be readily located, or has no dwelling or place of business within the state, the notice may be mailed to his last known address. Such notice shall specify the sum demanded and shall contain, in the case of real property, a description with reasonable certainty of the property seized.

(b) **Notice of sale.**—The Commissioner or his delegate shall as soon as practicable after the seizure of the property give notice to the owner, in the manner prescribed in subsection (a), and shall cause a notification to be published in some newspaper published or generally circulated within the county wherein such seizure is made, or if there be no newspaper published or generally circulated in such county, shall post such notice at the post office nearest the place where the seizure is made, and in not less than two other public places. Such notice shall specify the property to be sold, in-

cluding both a legal description and a readily understandable layman's description, and the time, place, manner, and conditions of the sale thereof. Whenever levy is made without regard to the 30-day notice period, public notice of sale of the property seized shall be made within such 30-day period unless Section 10 (relating to sale of perishable goods) is applicable.

(c) Sale of indivisible property.—If any property liable to levy is not divisible, so as to enable the Commissioner or his delegate by sale of a part thereof to raise the whole amount of the tax and expenses, the whole of such property shall be sold. Such indivisible property shall include only property in which the taxpayer has controlling interest in and may not include property wherein the taxpayer may share in ownership with other persons.

(d) Time and place of sale.—The time of sale shall not be less than 30 days nor more than 60 days from the time of giving public notice under subsection (b). The place of sale shall be within the county in which the property is seized, except by special order of the Commissioner or his delegate.

(e) Manner and conditions of sale.—

(1) Minimum price.—Before the sale the Commissioner or his delegate may determine a minimum price for which the property shall be sold, and if such minimum price is determined, and if no person offers for such property at the sale the amount of the minimum price, the property shall be declared to be purchased at such price for the State of Alabama; otherwise the property shall be declared to be sold to the highest bidder.

(2) Additional Rules Applicable to Sale.—The Commissioner or his delegate shall by regulations prescribe the manner and other conditions of the sale of property seized by levy. If one or more alternative methods or conditions are permitted by regulations, the Commissioner or his delegate shall select the alternatives applicable to the sale. Such regulations shall provide:

(A) That the sale shall not be conducted in any manner other than—

(i) by public auction, or

(ii) by public sale under sealed bids.

(B) In the case of the seizure of several items of property, whether such items shall be offered separately, in groups, or in the aggregate; and whether such property shall be offered both separately (or in groups) and in the aggregate, and sold under whichever method produces the highest aggregate amount.

(C) Whether the announcement of the minimum price determined by the Commissioner or his delegate may be delayed until the receipt of the highest bid.

(D) Whether payment in full shall be required at the time of acceptance of a bid, or whether a part of such payment may be deferred for such period (not to exceed 1 month) as may be determined by the Commissioner or his delegate to be appropriate.

(E) The extent to which methods (including advertising) in addition to those prescribed in subsection (b) may be used in giving notice of the sale.

(F) Under what circumstances the Commissioner or his delegate may

adjourn the sale from time to time (but such adjournments shall not be for a period to exceed in all 1 month).

(3) Payment of amount bid.—If payment in full is required at the time of acceptance of a bid and is not then and there paid, the Commissioner or his delegate shall forthwith proceed to again sell the property in the manner provided in this subsection. If the conditions of the sale permit part of the payment to be deferred, and if such part is not paid within the prescribed period, suit may be instituted against the purchaser for the purchase price or such part thereof as has not been paid, together with interest at the rate applicable to liabilities due the Revenue Department from the date of the sale; or, in the discretion of the Commissioner or his delegate, the sale may be declared to be null and void for failure to make full payment of the purchase price and the property may again be advertised and sold as provided in subsections (b) and (c) of this subsection. In the event of such readvertisement and sale any new purchaser shall receive such property or rights to property free and clear of any claim or right of the former defaulting purchaser, of any nature whatsoever, and the amount paid upon the bid price by such defaulting purchaser shall be forfeited.

#### Section 10. Sale of perishable goods.

If the Commissioner or his delegate determines that any property seized is liable to perish or become greatly reduced in price or value by keeping, or that such property cannot be kept without great expense, he shall appraise the value of such property and—

(a) Return to owner.—If the owner of the property can be readily found, the Commissioner or his delegate shall give him notice of such determination of the appraised value of the property. The property shall be returned to the owner if, within such time as may be specified in the notice, the owner—

(1) Pays to the Commissioner or his delegate an amount equal to the appraised value, or

(2) Gives bond in such form, with such sureties, and in such amount as the Commissioner or his delegate shall prescribe, to pay the appraised amount at such time as the Commissioner or his delegate determines to be appropriate in the circumstances.

(b) Immediate sale.—If the owner does not pay such amount or furnish such bond in accordance with this section, the Commissioner or his delegate may as soon as practicable make public sale of the property in accordance with such regulations or in such manner as may be prescribed by the Commissioner or his delegate.

#### Section 11. Redemption of property.

(a) Before sale.—Any person whose property has been levied upon hereunder or subject to execution under Section 40-2-11, Code of Alabama 1975, shall have the right to pay the amount due, together with the expenses of the proceeding, if any, to the Commissioner or his delegate at any time prior to the sale thereof, and upon such payment the Commissioner or his delegate shall restore such property to him, and all further proceedings in connection with the levy on such property shall cease from the time of such payment.

(b) Redemption of real estate after sale.—

(1) Period.—The owners of any real property sold as provided in Sec-

tion 9, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the property sold, or any particular tract of such property, at any time within one year after the sale thereof. Real property purchased by the state at said sale may be redeemed from the state at any time within one year after the sale thereof.

(2) Price.—Such property or tract of property shall be permitted to be redeemed upon payment to the purchaser, or in case he cannot be found in the county in which the property to be redeemed is situated, then to the Commissioner or his delegate, for the use of the purchaser, his heirs, or assigns, the amount paid by such purchaser and interest thereon at the current rate of interest per annum as last published and charged on delinquent taxes by the Internal Revenue Service. Where the state was purchaser, the tax liability must be paid in full in addition to the costs, penalties and interest in order to redeem.

(c) Record.—When any lands sold are redeemed as provided in this section, the Commissioner or his delegate shall cause entry of the fact to be made upon the record mentioned in Section 14, and such entry shall be evidence of such redemption.

(d) There may be no redemption of personal property.

#### Section 12. Certificate of sale; deed of real property.

(a) Certificate of sale.—In the case of personal property sold as provided in Section 9, the Commissioner or his delegate shall give to the purchaser a certificate of sale upon payment in full of the purchase price.

(b) Deed to real property.—In the case of any real property sold as provided in Section 9 and not redeemed in the manner and within the time provided in section 11, the Commissioner or his delegate shall execute to the purchaser of such real property at such sale, upon his surrender of the certificate of sale, a deed of the real property so purchased by him, reciting the facts set forth in the certificate.

(c) Real property purchased by State of Alabama.—If real property is declared purchased by the State of Alabama at a sale pursuant to Section 9, the Commissioner or his delegate shall at the proper time execute a deed therefor, and without delay cause such deed to be duly recorded in the probate office of the county in which the property is located.

#### Section 13. Legal effect of certificate of sale of personal property and deed of real property.

(a) Certificate of sale of property other than real property.—In all cases of a sale of property (other than real property) pursuant to Section 9, the certificate of such sale—

(1) As evidence.—Shall be prima facie evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings in making the sale; and

(2) As conveyances.—Shall transfer to the purchaser all right, title, and interest of the party delinquent in and to the property sold; and

(3) As authority for transfer of corporate stock.—If such property consists of stocks, shall be notice when received, to any corporation, company, or association of such transfer, and shall be authority to such corporation, company, or association to record the transfer on its books and records in the same manner as if the stocks were transferred or assigned by the

party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not; and

(4) As receipts.—If the subject of sale is securities or other evidences of debt, shall be a good and valid receipt to the person holding the same, as against any person holding or claiming to hold possession of such securities or other evidences of debt; and

(5) As authority for transfer of title to motor vehicle.—If such property consists of a motor vehicle, shall be notice, when received, to any public official charged with the registration of title to motor vehicles, of such transfer and shall be authority to such official to record the transfer on his books and records in the same manner as if the certificate of title to such motor vehicle were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not.

(b) Deed of real property.—In the case of the sale of real property pursuant to Section 9—

(1) Deed as evidence.—The deed of sale given pursuant to Section 12 shall be prima facie evidence of the facts therein stated; and

(2) Deed as conveyance of title.—If the proceedings of the Commissioner or his delegate as set forth have been substantially in accordance with the provisions of law, such deed shall be considered and operate as a conveyance of all the right, title, and interest the party delinquent had in and to the real property thus sold at the time the lien of the State of Alabama attached thereto.

(c) Effect of junior encumbrances.—A certificate of sale of personal property given or a deed to real property executed pursuant to Section 12 shall discharge such property from all liens, encumbrances, and titles over which the lien of the State of Alabama with respect to which the levy was made had priority.

(d) Effect of senior encumbrances.—A certificate of sale of personal property given or a deed to real property does not discharge such property from liens, encumbrances, and titles senior to the lien of the State of Alabama.

#### Section 14. Records of sales to be kept.

The Commissioner or his delegate shall keep a record of all sales of real property sold under Section 9 and of redemptions of such property. The record shall set forth the tax for which the sale was made, the dates of seizure and sale, the amount of the expenses, the name of purchaser and the date of the deed. A deed to the State of Alabama by virtue of its purchase at the sale shall be promptly recorded in the Probate Office of the county or counties where the property is located.

#### Section 15. Expense of levy and sale.

The Commissioner or his delegate shall determine the expenses to be allowed in all cases of levy and sale. The fee for a professional auctioneer that may be employed at the discretion of the Commissioner or his delegate shall be considered an expense of the levy and sale.

#### Section 16. Application of proceeds of levy.

(a) Collection of liability.—Any money realized by proceedings under this subchapter (whether by seizure, by surrender under Section 7 [except

pursuant to subsection (b)(2) thereof], or by sale of seized property) or by sale of property redeemed by the State of Alabama (if the interest of the State of Alabama in such property was a lien arising under the provisions of this title) shall be applied as follows:

(1) Expense of levy and sale.—First, against the expenses of the proceedings;

(2) Specific tax liability on seized property.—If the property seized and sold is subject to a tax imposed under this title which has not been paid, the amount remaining after applying paragraph (1) shall then be applied against such tax liability, including any penalty and interest, (and, if such tax was not previously assessed, it shall then be assessed);

(3) Liability of delinquent taxpayer.—The amount, if any, remaining after applying paragraphs (1) and (2) shall then be applied against the liability in respect of which the levy was made or the sale was conducted.

(b) Surplus proceeds.—Any surplus proceeds remaining after the application of subsection (a) shall be refunded by the Commissioner or his delegate to the person or persons legally entitled thereto.

#### Section 17. Authority to release levy and return property.

(a) Release of levy.—It shall be lawful for the Commissioner or his delegate to release the levy, and any liens, upon all or part of the property or rights to property levied upon where the Commissioner or his delegate, within their discretion, determines that such action will facilitate the collection of the liability or for other good reason that the levy should be released, but such release shall not operate to prevent any subsequent levy.

(b) Return of property.—If the Commissioner determines that property has been wrongfully levied upon, it shall be lawful for the Commissioner to return—

(1) the specific property levied upon,

(2) an amount of money equal to the amount of money levied upon, or

(3) an amount of money equal to the amount of money received by the State of Alabama from a sale of such property.

(c) Interest.—Interest shall be allowed and paid at an annual rate established by law—

(1) in a case described in subsection (b)(2), from the date the Commissioner receives the money to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days, or

(2) in a case described in subsection (b)(3), from the date of the sale of the property to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days.

### SUBCHAPTER B

#### LIMITATIONS ON ASSESSMENT AND COLLECTION

##### Section 18. Limitations on assessment—Income Tax.

The three year limitation period set out in Section 40-18-45(a), Code of Alabama 1975, for making income tax assessments shall be suspended upon the entry of a preliminary assessment by the Revenue Department.

##### Section 19. Collection after assessment.

Length of period.—Where the assessment of any tax imposed by this title has been begun or made within the period of limitation properly applicable thereto, such tax may be collected by levy or by a proceeding in court, but only if the levy is made or the proceeding begun -

(1) within 10 years after the final assessment of the tax, or

(2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner or his delegate and the taxpayer before the expiration of such 10-year period (or, if there is a release of levy under Section 17 after such 10-year period, then before such release).

The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. The period provided by this subsection during which a tax may be collected by levy shall not be extended or curtailed by reason of a judgment against the taxpayer.

(b) Date when levy is considered made.—The date on which a levy on property or rights to property is made shall be the date on which the notice of seizure provided in Section 9 is given.

#### Section 20. Suspension of running of period of limitation.

(a) General rule.—The running of the period of limitations provided in Section 18 or 19 on the making of assessments or the collection by levy or a proceeding in court shall be suspended for the period during which the Commissioner is prohibited from making the assessment or from collecting by levy or a proceeding in court and for 60 days thereafter.

(b) Assets of taxpayer in control or custody of court.—The period of limitations on collection after assessment prescribed in Section 18 or 19 shall be suspended for the period the assets of the taxpayer are in the control or custody of the court in any proceeding before any court of the State of Alabama, and for 6 months thereafter.

(c) Taxpayer outside State of Alabama.—The running of the period of limitations on collection after assessment prescribed in Section 18 or 19 shall be suspended for the period during which the taxpayer is outside the State of Alabama if such period of absence is for a continuous period of at least 6 months. If the preceding sentence applies and at the time of the taxpayer's return to the State of Alabama the period of limitations on collection after assessment prescribed in Section 18 or 19 would expire before the expiration of 6 months from the date of his return, such period shall not expire before the expiration of such months.

(d) Cases under title 11 of the United States Code (Bankruptcy).—The running of the period of limitations provided in Section 18 or 19 on the making of assessments or collection shall, in a case under title 11 of the United States Code (Bankruptcy), be suspended for the period during which the Commissioner is prohibited by reason of such case from making the assessment or from collecting and—

- (1) for assessment, 6 months thereafter, and
- (2) for collection, 6 months thereafter.

### SUBCHAPTER C

#### ADDITIONS TO TAX AND PENALTIES

##### Section 21. Bad checks.

If any check or money order in payment of any amount receivable under this title is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered such check, upon notice and demand by the Commissioner or his delegate, in the same manner as tax, an amount equal to 10 percent of the amount of such check, except that if the amount of such check is less than \$500, the penalty under this section shall be \$10 or the amount of such check, whichever is the lesser. This section shall not apply if the person tendered such check in good faith and with reasonable cause to believe that it would be duly paid, or settlement is made by the taxpayer within ten days after notification of receipt of a bad check by the Department.

**Section 22. Automatic Refund.**

Where the Department of Revenue determines that a taxpayer is entitled to a refund, the Department of Revenue shall automatically refund to that taxpayer the amount of any excess tax so paid to the State of Alabama; provided, however, that the statute of limitations provisions of the applicable tax law shall apply.

**Section 23. Rules for application of assessable penalties.**

(a) **Penalty assessed as tax.**—The penalties and liabilities provided by this subchapter shall be paid upon notice and demand by the Commissioner or his delegate, and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in this title to “tax” imposed by this title shall be deemed also to refer to the penalties and liabilities provided by this subchapter.

(b) **Person defined.**—The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

**Section 24. Failure to collect and pay over tax, or attempt to evade or defeat tax.**

(a) **General rule.**—Any person required to collect, truthfully account for, and/or pay over any tax imposed by §§ 40-17-2, 40-17-220, 40-18-71, 40-21-82, 40-23-2, 40-23-61, 40-26-1, Code of Alabama 1975 and any other local sales, use, and gross receipts taxes collected by the State Department of Revenue who willfully fails to collect such tax, or truthfully account for, and/or pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable for a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

(b) **Extension of period of collection where bond is filed.**—

(1) **In general.**—If, within 30 days after the day on which notice and demand of any penalty under subsection (a) is made against any person, such person—

(A) pays an amount which is not less than the minimum amount required to commence a proceeding in court with respect to his liability for such penalty.

(B) files a claim for refund of the amount so paid, and

(C) furnishes a bond which meets the requirements of paragraph (3), no levy or proceeding in court for the collection of the remainder of such



penalty shall be made, begun, or prosecuted until a final resolution of a proceeding begun as provided in paragraph (2).

(2) Suit must be brought to determine liability for penalty.—If, within 30 days after the day on which his claim for refund with respect to any penalty under subsection (a) is denied, the person described in paragraph (1) fails to begin a proceeding in the appropriate court for the determination of his liability for such penalty; paragraph (1) shall cease to apply with respect to such penalty, effective on the day following the close of the 30-day period referred to in this paragraph.

(3) Bond.—The bond referred to in paragraph (1) shall be in such form and with such sureties as the Commissioner may by regulations prescribe and shall be in an amount equal to  $1\frac{1}{2}$  times the amount of excess of the penalty assessed over the payment described in paragraph (1).

(4) Suspension of running of period of limitations on collection.—The running of the period of limitations provided in section 18 on the collection by levy or by a proceeding in court in respect of any penalty described in paragraph (1) shall be suspended for the period during which the Commissioner is prohibited from collecting by levy or a proceeding in court.

(5) Jeopardy collection.—If the commissioner makes a finding that the collection of the penalty is in jeopardy, nothing in this subsection shall prevent the immediate collection of such penalty.

**Section 25. Fraudulent statement or failure to furnish statement to employee.**

In addition to the criminal penalty provided by Section 33, any person required under this title to furnish a statement to an employee who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required shall for each such failure be subject to a penalty under this subchapter of \$50.

**Section 26. False information with respect to withholding.**

(a) Civil Penalty.—In addition to any criminal penalty provided by law, if—

(1) any individual makes a statement under Section 40-18-73 which results in a decrease in the amounts deducted and withheld under Section 40-18-71, and

(2) as of the time such statement was made, there was no reasonable basis for such statement, such individual shall pay a penalty of \$500 for such statement.

(b) Exception.—The Commissioner may waive (in whole or in part) the penalty imposed under subsection (a) if the taxes imposed with respect to the individual under Chapter 18 for the taxable year are equal to or less than the sum of—

(1) the credits against such taxes allowed by Sections 40-18-21, 40-18-120 and 40-18-121, and

(2) the payments of estimated tax which are considered payments on account of such taxes.

SUBCHAPTER D  
JEOPARDYSection 27. Jeopardy Assessment for Income Tax.

(a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year unless such proceedings be brought without delay, the Commissioner or his delegate shall declare the taxable period for such taxpayer immediately terminated, and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of jeopardy.

(b) Reopening of taxable period.—Notwithstanding the termination of the taxable period of the taxpayer by the Commissioner or his delegate, as provided in subsection (a), the Commissioner or his delegate may reopen such taxable period each time the taxpayer is found by the Commissioner or his delegate to have received income, within the current taxable year, since a termination of the period under subsection (a). A taxable period so terminated by the Commissioner or his delegate may be reopened by the taxpayer if he files with the Commissioner or his delegate a true and accurate return of the items of gross income and of the deductions and credits allowed under this title for such taxable period, together with such other information required under this title. If the taxpayer is a nonresident, the taxable period so terminated may be reopened by him if he files, or causes to be filed, with the Commissioner or his delegate a true and accurate return of his total income derived from all sources within the State of Alabama, in the manner prescribed in this title.

(c) Abatement if jeopardy does not exist.—The Commissioner or his delegate may abate the jeopardy assessment if he finds that jeopardy does not exist. The period of limitation on the making of assessments and levy or a proceeding in court for collection, in respect of any deficiency, shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the 10th day after the day on which such jeopardy assessment is abated.

(d) when a jeopardy assessment has been as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable interest and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or disapprove the bond, but such approval shall not be unreasonably withheld.

(e) A final jeopardy assessment entered hereunder may be appealed to the appropriate circuit court of Alabama in the same manner as provided

under § 40-2-22, Code of Alabama 1975.

**Section 28. Jeopardy Assessment—Other taxes.**

(a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect any tax imposed by Title 40 other than income tax, the Commissioner or his delegate may issue notice of such finding to the taxpayer by personal service or mailing to his/her last known address, together with a demand for immediate payment of the tax declared to be in jeopardy, including penalties and additions thereto and such tax, penalty, interest and additions thereto shall be immediately due and payable. A final assessment of such tax may be entered immediately and if the assessment is not paid upon such demand of the Commissioner or his delegate, the Commissioner or his delegate may forthwith issue a warrant for levy and distraint of any personal property of the taxpayer which shall be collected in the same manner and with like effect as provided under subchapter A of this Act.

(b) In the case of a tax for a current period, the Commissioner or his delegate may declare the taxable period of the taxpayer immediately terminated and may at his discretion estimate the tax liability based upon the best information obtainable. Notice of such finding and declaration shall be issued to the taxpayer in the same manner as in subsection (a).

(c) When a jeopardy assessment has been made as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable interest and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or disapprove the bond, but such approval shall not be unreasonably withheld.

(d) In any proceeding in court to contest the jeopardy assessment or to enforce payment of the taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, shall be for all purposes presumptive evidence of jeopardy.

(e) A final jeopardy assessment entered hereunder may be appealed to the appropriate circuit court of Alabama in the same manner as provided under § 40-2-22, Code of Alabama 1975.

**SUBCHAPTER E**

**CRIMES**

**Section 29. Attempt to evade or defeat tax.**

Any person who willfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 5 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

**Section 30. Willful failure to collect or pay over tax.**

Any person required under this title to collect, account for, and pay

over any tax imposed by this title who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

Section 31. Willful failure to file return, supply information, or pay tax.

Any person required under this title to pay any estimated tax or tax, or required by this title or by regulations made under authority thereof to make a return, (other than a return required under Section 40-18-82, Code of Alabama 1975), keep any records, or supply any information, who willfully fails to pay such estimated tax or tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25,000 (\$100,000 in the case of a corporation), or imprisoned not more than 1 year, or both, together with the costs of prosecution. In the case of any person with respect to whom there is a failure to pay any estimated tax, this section shall not apply to such person with respect to such failure if there is no addition to tax under Section 40-18-80 (d) and (e), Code of Alabama 1975, as amended, with respect to such failure.

Section 32. Fraudulent statement or failure to make statement to employees.

In lieu of any other penalty provided by law (except the penalty provided by Section 26) any person required under the provisions of Section 40-18-75, Code of Alabama 1975, to furnish a statement who willfully furnishes a false or fraudulent statement or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under Section 40-18-75, Code of Alabama 1975, or regulations prescribed thereunder, shall, for each such offense, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

Section 33. Fraudulent withholding exemption certificate or failure to supply information.

Any individual required to supply information to his employer under Section 40-18-73, Code of Alabama 1975, who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under Section 40-18-73, Code of Alabama 1975, shall, in lieu of any other penalty provided by law, upon conviction thereof, be fined not more than \$500, or imprisoned not more than 1 year, or both.

Section 34. Fraud and false statements.

Any person who—

(1) Declaration under penalties of perjury.—Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or

(2) Aid or assistance.—Willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the state revenue laws, of a return, affidavit,

claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document; or

(3) Fraudulent bonds, permits, and entries.—Simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of this title, or by any regulation made in pursuance thereof, or procures the same to be falsely or fraudulently executed, or advises, aids in, or connives at such execution thereof, or

(4) Removal or concealment with intent to defraud.—Removes, deposits, or conceals, or is concerned in removing, depositing, or concealing, any goods or commodities for or in respect whereof any tax is or shall be imposed, or any property upon which levy is authorized by Section 6, with intent to evade or defeat the assessment or collection of any tax imposed by this title;

shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 3 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

Section 35. Fraudulent returns, statements, or other documents.

Any person who willfully delivers or discloses to the Commissioner or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both. Any person required pursuant to this title to furnish any information to the Commissioner or his delegate who willfully furnishes to the Commissioner or his delegate any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both.

Section 36. Failure to obey subpoena.

Any person who, being duly subpoenaed to appear to testify, or to appear and produce books, accounts, records, memoranda, or other papers, as required under Section 40-2-11(7) and (8), Code of Alabama 1975, or any other section in this title requiring the production of information, neglects or fails to appear without cause or to produce such books, accounts, records, memoranda, or other papers without cause, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with costs of prosecution as determined and ordered distributed by the trial court.

Section 37. Attempts to interfere with administration of state revenue laws—Taxpayer protection from harassment.

(a) Corrupt or forcible interference.—Whoever corruptly or by force or threats of force (including any threatening letter or communication) endeavors to intimidate or impede any officer or employee of the State of Alabama acting in an official capacity under this title, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or endeavors to obstruct or impede, the due administration of this title, shall, upon conviction thereof, be fined not more than \$5,000, or imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person con-

victed thereof shall be fined not more than \$3,000, or imprisoned not more than 1 year, or both. The term "threats of force", as used in this subsection, means threats of bodily harm to the officer or employee of the State of Alabama or to a member of his family.

(b) **Forcible rescue of seized property.**—Any person who forcibly rescues or causes to be rescued any property after it shall have been seized under this title, or shall attempt or endeavor so to do, shall, excepting in cases otherwise provided for, for every such offense, be fined not more than \$500, or not more than double the value of the property so rescued, whichever is the greater, or be imprisoned not more than 2 years.

(c) Any employee of the State Revenue Department acting in an official capacity under the provisions of this title who by unlawful force or threats of force endeavors to intimidate or harass a taxpayer, upon determination by a special board to be appointed by the State Personnel Department that the charge is valid, shall be subject to immediate dismissal, and upon such dismissal may be subject to such penalties as provided under this section. The term "threats of force" as used in this subsection means threats of bodily harm to the taxpayer or to a member of his family.

#### Section 38. Periods of limitation on criminal prosecutions.

No person shall be prosecuted, tried, or punished for any of the various offenses arising under the revenue laws unless the indictment is found or the prosecution instituted within 3 years next after the commission of the offense, except that the period of limitation shall be 6 years—

(1) for offenses involving the defrauding or attempting to defraud the State of Alabama or any agency thereof, whether by conspiracy or not, and in any manner;

(2) for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof;

(3) for the offense of willfully aiding or assisting in, or procuring, counseling, or advising, the preparation or presentation under, or in connection with any matter arising under, the statute revenue laws, of a false or fraudulent return, affidavit, claim or document (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document);

(4) for the offense of willfully failing to pay any tax, or make any return at the time or times required by law or regulations;

(5) for offenses described in Sections 34 and 35 (relating to false statements and fraudulent documents);

(6) for the offense described in Section 37 (relating to intimidation of officers and employees of the State of Alabama);

The time during which the person committing any of the various offenses arising under the revenue laws is outside the State of Alabama or is a fugitive from justice within the meaning of the State of Alabama Code, shall not be taken as any part of the time limited by law for the commencement of such proceedings.

**Section 39.** The Commissioner of Revenue will file a report in one year periods of the effective date of this Act for a period of five years that states the amount of additional tax money that was collected as the result of this Act. This report shall be delivered to each Legislator and each Constitutional officer.

Section 40. All laws or parts of laws which conflict with this Act are repealed.

Section 41. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 42. This Act shall become effective the first day of January, 1984.

The Standing Committee on Judiciary then reported the following amendment to the substitute for the Bill, H.B. 13, to-wit:

**COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 13**

Amend Committee Substitute to House Bill 13 on Page 4, Line 34 by deleting paragraph (7) in its entirety and substituting therein the following:

(7) Real property subject to a mechanic's lien for certain repairs and improvements.—With respect to real property subject to a lien for repair or improvement as against a mechanic's lienor but not to exceed \$5,000.

The Standing Committee on Judiciary then reported the following amendment to the substitute for the Bill, H.B. 13, to-wit:

**COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 13**

Amend Committee Substitute to House Bill 13 on Page 22, Section 15, Line 20 by substituting a comma for the period and by adding the following after the comma:

which expenses shall be actual expenses directly related to the sale.

The Standing Committee on Judiciary then reported the following amendment to the substitute for the Bill, H. B. 13, to-wit:

**COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 13**

Amend Senate Judiciary Committee substitute to H. B. 13 on page 12, line 17, after the word "the" by striking "10" and inserting in lieu thereof 30; and on page 13, line 11, after "(2)" by striking "10" and inserting in lieu thereof 30; and on page 13, line 18, after the word "than" by striking "10" and inserting in lieu thereof 30.

Further amend the Senate Judiciary Committee substitute to the substitute for the substitute of House Bill 13 as amended, page 29, line 8, by inserting after the words "Chapter 18" the following language:

of Title 40, Code of Alabama 1975

The Standing Committee on Judiciary then reported the following amendment to the substitute for the Bill, H. B. 13, to-wit:

**COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 13**

Amend Committee Substitute to House Bill 13 in Section 5(a), Page 3, Line 24 by deleting the period and adding the following language:

, and shall not be perfected as against any purchaser, holder of a security interest, mechanic's lienor, or judgement lien creditor until the date such notice is filed.

On motion of Senator Teague, said committee substitute and pending committee amendments were laid on the table.

Senator Teague then offered the following substitute for the Bill, H. B. 13, to-wit:

### SUBSTITUTE FOR H. B. 13

#### A BILL TO BE ENTITLED AN ACT

The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as the "Tax Enforcement and Compliance Act" or "TECA."

Section 2. Application—Intent—Conflicting provisions.

The provisions of this chapter shall apply to every public tax, license or fee, and/or any penalty or interest payable thereon, levied under the provisions of any existing or hereafter enacted law which is codified in Title 40 or any other title and is collectible by the Commissioner of Revenue.

The purpose of this chapter is to supplement and clarify existing provisions of the general law relating to the enforcement and collection of taxes. The provisions of this chapter shall be complimentary and in addition to all other provisions of law. In the event of any conflict between the provisions of this chapter and those of any other specific statutory provisions contained in other chapters of Title 40, or of any other title, it is hereby declared to be the legislative intent that, to the extent such other specific provisions are inconsistent with or different from the provisions of this chapter, the provisions of this chapter shall prevail. It is the intent of the Legislature that no part of this Act shall be construed so as to supercede any due process requirements presently in effect under Title 40, Code of Alabama 1975.

### SUBCHAPTER A COLLECTIONS

Section 3. Lien for Taxes.

If any person liable to pay any tax, other than ad valorem tax, neglects or refuses to pay the same, the amount (including any interest, additional amount, addition to tax, or assessable penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the State of Alabama upon all property and rights to property, whether real or personal, tangible or intangible, belonging to such person. The Department of Reve-



nue shall give notice of lien to the taxpayer.

Section 4. Period of lien.

Unless another date is specifically fixed by law, the lien imposed by Section 3 of this subchapter shall arise at the time the assessment list, return therefor or the payment thereof, whichever is prior, was due to have been filed with or made to the Revenue Department, and shall continue until the liability for the amount so assessed (or a judgment against the taxpayer arising out of such liability) is satisfied or becomes unenforceable by reason of lapse of time.

Section 5. Validity and priority against certain persons.

(a) Purchasers, holders of security interests, mechanic's lienors, and judgment lien creditors.—The lien imposed by Section 3 of this subchapter shall not be valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice thereof which meets the requirements of subsection (f) has been filed by the Commissioner of Revenue or his delegate, and shall not be perfected as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until the date such notice is filed.

(b) Protection for certain interest even though notice filed. - Even though notice of a lien imposed by Section 3 has been filed, such lien shall not be valid—

(1) Securities.—With respect to a security [as defined in subsection (g) (4)]—

(A) as against a purchaser of such security who at the time of purchase did not have actual notice or knowledge of the existence of such lien; and

(B) as against a holder of a security interest in such security who, at the time such interest came into existence, did not have actual notice or knowledge of the existence of such lien.

(2) Motor vehicles.—With respect to a motor vehicle [as defined in subsection (g) (3)], as against a purchaser of such motor vehicle, if—

(A) at the time of the purchase such purchaser did not have actual notice or knowledge of the existence of such lien, and

(B) before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

(3) Personal property purchased at retail.—With respect to tangible personal property purchased at retail, as against a purchaser in the ordinary course of the seller's trade or business, unless at the time of such purchase such purchaser intends such purchase to (or knows such purchase will) hinder, evade, or defeat the collection of any tax under this title.

(4) Personal property purchased in casual sale.—With respect to household goods, personal effects, or other tangible personal property purchased (not for resale) in a casual sale for less than \$250, as against the purchaser, but only if such purchaser does not have actual notice or knowledge (A) of the existence of such lien, or (B) that this sale is one of a series of sales.

(5) Personal property subject to possessory lien.—With respect to tan-

gible personal property subject to a lien securing the reasonable price of the repair or improvement of such property, as against a holder of such a lien, if such holder is, and has been, continuously in possession of such property from the time such lien arose.

(6) Real property tax.—With respect to real property, as against a holder of a lien upon such property, if such lien is entitled to priority over security interests in such property which are prior in time, and such lien secures payment of ad valorem tax.

(7) Real property subject to a mechanic's lien for certain repairs and improvements.—With respect to real property subject to a lien for repair or improvement as against a mechanic's lienor but not to exceed \$5,000.

(8) Attorneys' liens.—With respect to a judgment or other amount in settlement of a claim or of a cause of action, as against an attorney who holds a lien upon or a contract enforceable against such judgment or amount, to the extent of his reasonable compensation for obtaining such judgment or procuring such settlement.

(9) Certain insurance contracts.—With respect to a life insurance, endowment, or annuity contract, as against the organization which is the insurer under such contract, at any time—

(A) before such organization had actual notice or knowledge of the existence of such lien; or

(B) after such organization had such notice or knowledge, with respect to advances required to be made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge.

(c) Protection for certain commercial transactions financing agreements, etc.—

(1) In general.—To the extent provided in this subsection, even though notice of a lien imposed by section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing but which—

(A) is in qualified property covered by the terms of a written agreement entered into before tax lien filing and constituting—

(i) a commercial transactions financing agreement,

(ii) a real property construction or improvement financing agreement, or

(iii) an obligatory disbursement agreement, and

(B) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(2) Commercial transactions financing agreement.—For purposes of this subsection—

(A) Definition.—The term “commercial transactions financing agreement” means an agreement (entered into by a person in the course of his trade or business)—

(i) to make loans to the taxpayer to be secured by commercial financing security acquired by the taxpayer in the ordinary course of his trade or business, or

(ii) to purchase commercial financing security (other than inventory) acquired by the taxpayer in the ordinary course of his trade or business;

but such an agreement shall be treated as coming within the term only to the extent that such loan or purchase is made before the 46th day after the date of tax lien filing or (if earlier) before the lender or purchaser had actual notice or knowledge of such tax lien filing.

(B) Limitation on qualified property.—The term “qualified property”, when used with respect to a commercial transactions financing agreement, includes only commercial financing security acquired by the taxpayer before the 46th day after the date of tax lien filing.

(C) Commercial financing security defined.—The term “commercial financing security” means (i) paper of a kind ordinarily arising in commercial transactions, (ii) accounts receivable, (iii) mortgages on real property, and (iv) inventory.

(D) Purchaser treated as acquiring security interest.—A person who satisfies subparagraph (A) by reason of clause (ii) thereof shall be treated as having acquired a security interest in commercial financing security.

(3) Real property construction or improvement financing agreement.—For purposes of this subsection—

(A) Definition.—The term “real property construction or improvement financing agreement” means an agreement to make cash disbursements to finance—

- (i) the construction or improvement of real property,
- (ii) a contract to construct or improve real property, or
- (iii) the raising or harvesting of a farm crop or the raising of livestock or other animals.

For purposes of clause (iii), the furnishing of goods and services shall be treated as the disbursement of cash.

(B) Limitation on qualified property.—The term “qualified property”, when used with respect to a real property construction or improvement financing agreement, includes only—

- (i) in the case of subparagraph (A) (i), the real property with respect to which the construction or improvement has been or is to be made,
- (ii) in the case of subparagraph (A) (ii), the proceeds of the contract described therein, and
- (iii) in the case of subparagraph (A) (iii), property subject to the lien imposed by Section 3 at the time of tax lien filing and the crop or the livestock or other animals referred to in subparagraph (A) (iii).

(4) Obligatory disbursement agreement.—For purposes of this subsection—

(A) Definition.—The term “obligatory disbursement agreement” means an agreement (entered into by a person in the course of his trade or business) to make disbursements, but such an agreement shall be treated as coming within the term only to the extent of disbursements which are required to be made by reason of the intervention of the rights of a person other than the taxpayer.

(B) Limitation on qualified property.—The term “qualified property”,

when used with respect to an obligatory disbursement agreement, means property subject to the lien imposed by Section 3 at the time of tax lien filing and [to the extent that the acquisition is directly traceable to the disbursements referred to in subparagraph (A)] property acquired by the taxpayer after tax lien filing.

(C) Special rules for surety agreements.—Where the obligatory disbursement agreement is an agreement ensuring the performance of a contract between the taxpayer and another person—

(i) the term “qualified property” shall be treated as also including the proceeds of the contract the performance of which was ensured, and

(ii) if the contract the performance of which was ensured was a contract to construct or improve real property, to produce goods, or to furnish services, the term “qualified property” shall be treated as also including any tangible personal property used by the taxpayer in the performance of such ensured contract.

(d) 45 day period for making disbursement.—Even though notice of a lien imposed by Section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing by reason of disbursements made before the 46th day after the date of tax lien filing, or (if earlier) before the person making such disbursements had actual notice or knowledge of tax lien filing, but only if such security interest—

(1) is in property (A) subject at the time of tax lien filing, to the lien imposed by Section 3, and (B) covered by the terms of a written agreement entered into before tax lien filing, and

(2) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(e) Priority of interest and expenses.—If the lien imposed by Section 3 is not valid as against a lien or security interest, the priority of such lien or security interest shall extend to—

(1) any interest or carrying charges upon the obligation secured,

(2) the reasonable charges and expenses of an indenture trustee or agent holding the security interest for the benefit of the holder of the security interest,

(3) the reasonable expenses, including reasonable compensation for attorneys, actually incurred in collecting or enforcing the obligation secured,

(4) the reasonable costs of insuring, preserving, or repairing the property to which the lien or security interest relates,

(5) the reasonable costs of insuring payment of the obligation secured, and

(6) amounts paid to satisfy any lien on the property to which the lien or security interest relates, but only if the lien so satisfied is entitled to priority over the lien imposed by Section 3, to the extent that any such item has the same priority as the lien or security interest to which it relates.

(f) Place for filing; form.—

(1) Place for filing.—The notice referred to in subsection (a) shall be filed

(A) Real property.—In the case of real property, in the probate office of the county in which the property subject to the lien is situated; and

(B) Personal property.—In the case of personal property, whether tangible or intangible, in the office (i) in which a financing statement would be filed to perfect a security interest with respect to such property pursuant to the Alabama Uniform Commercial Code, or (ii) of the Secretary of State, if a financing statement would not be required to be filed to perfect a security interest with respect to such property; provided, however, if the property is a motor vehicle (as defined under sub-section (g) (3) of Section 5), the tax lien shall be perfected in the same manner as a security interest is required to be perfected with respect to such motor vehicle. Such notice shall be effective as to any third party only when properly included by name in the index of such financing statements available for public inspection, and shall not be effective against a third party who relies upon a certification of such filings obtained in the manner provided in Section 7-9-407 of the Code of Alabama 1975 if such notice is omitted from the certification. Each filing officer shall reflect such notices in any certificate provided pursuant to Section 7-9-407.

(2) Form.—The form and content of the notice referred to in subsection (a) shall be prescribed by the Commissioner of Revenue or his delegate. Such notice shall be valid notwithstanding any other provision of law regarding the form or content of a notice of lien.

(g) Definitions.—For purposes of this section

(1) Security interest.—the term “security interest” means any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest exists at any time (A) if, at such time, the property is in existence and the interest has become protected against a subsequent judgment lien arising out of an unsecured obligation, and (B) to the extent that, at such time, the holder has parted with money or money’s worth.

(2) Mechanic’s lienor.—The term “mechanics lienor” means any person who has a lien on real property (or on the proceeds of a contract relating to real property) for services, labor, or materials furnished in connection with the construction or improvement of such property. For purposes of the preceding sentence, a person has a lien on the earliest date such lien becomes valid against subsequent purchasers without actual notice, but not before he begins to furnish the services, labor, or materials.

(3) Motor vehicle.—The term “motor vehicle” means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.

(4) Security.—The term “security” means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by a corporation or a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(5) Tax lien filing.—The term “tax lien filing” means the filing of notice (referred to in subsection (a)) of the lien imposed by Section 3.

(6) Purchaser.—The term “purchaser” means a person who, for adequate and full consideration in money or money’s worth, acquires an inter-

est (other than a lien or security interest) in property which is valid against subsequent purchasers without actual notice. In applying the preceding sentence for purposes of subsection (a) of this section—

- (A) a lease of property,
- (B) a written executory contract to purchase or lease property,
- (C) an option to purchase or lease property or any interest therein, or
- (D) an option to renew or extend a lease of property, which is not a lien or security interest shall be treated as an interest in property.

(i) Special rules.—

(1) Actual notice or knowledge.—For purposes of this subchapter, an organization shall be deemed for purposes of a particular transaction to have actual notice or knowledge of any fact from the time such fact is brought to the attention of the individual conducting such transaction, and in any event for the time such fact would have been brought to such individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routine. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(2) Subrogation.—Where one person is subrogated to the rights of another with respect to a lien or interest, such person shall be subrogated to such rights for purposes of any lien imposed by Section 3.

(3) Disclosure of amount of outstanding lien.—If a notice of lien has been filed pursuant to subsection (f), the Commissioner or his delegate is authorized to provide by regulations the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by the lien may be disclosed.

Section 6. Levy and distraint.

(a) Authority of Commissioner or delegate.—If any person liable to pay any final assessment of tax neglects or refuses to pay the same within 30 days after notice and demand, it shall be lawful for the Commissioner of Revenue or his delegate to collect such tax (and such further sum as shall be sufficient to cover the expenses of the levy) by levy upon all property and rights to property belonging to such person or on which there is a lien provided in this chapter for the payment of such tax. If the Commissioner of Revenue or his delegate makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the Commissioner of Revenue or his delegate and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the 30-day period provided in this section. The Commissioner of Revenue or his delegate shall procure a temporary restraining order from the appropriate Circuit Court of Alabama prior to a jeopardy levy for which said court may order the taxpayer restrained from disposing of any assets or otherwise provide for other means to insure collection of the tax liability.

(b) Seizure and sale of property.—The term "levy" as used in this title includes the power of distraint and seizure by any lawful means. Except as otherwise provided in subsection (d)(3), a levy shall extend only to prop-

erty possessed and obligations existing at the time thereof. In any case in which the Commissioner of Revenue may levy upon property or rights to property, he may seize and sell such property or rights to property (whether real or personal, tangible or intangible), as prescribed by law.

(c) Successive seizures.—Whenever any property or right to property upon which levy has been made by virtue of subsection (a) is not sufficient to satisfy the claim of the State of Alabama for which levy is made, the Commissioner of Revenue or his delegate may, thereafter, and as often as may be necessary, proceed to levy in like manner upon any other property liable to levy of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

(d) Requirement of notice before levy.

(1) In general.—Levy may be made under subsection (a) upon the salary or wages or other property of any person with respect to any unpaid tax only after the Commissioner of Revenue has notified such person in writing of his intention to make such levy.

(2) 30-day requirement.—The notice required under paragraph (1) shall be served in any one of the following methods

(A) given in person.

(B) left at the dwelling or usual place of business of such person, or

(C) sent by certified or registered mail to such person's last known address,

no less than 30 days before the day of the levy.

(3) Jeopardy.—Paragraph (1) shall not apply to a levy if the Commissioner of Revenue has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy.

(e) continuing levy on salary and wages.—

(1) Effect of levy.—The effect of a levy on salary or wages payable to or received by a taxpayer shall be continuous from the date such levy is first made until the liability out of which such levy arose is satisfied; provided, however, that no such levy made shall be more than 25% of the total wages or salary due the taxpayer.

(2) Release and notice of release.—With respect to a levy described in paragraph (1), the Commissioner of Revenue shall within ten (10) days release the levy when the liability out of which such levy arose is satisfied and shall promptly notify the person upon whom such levy was made that such levy has been released.

#### Section 7. Surrender of property subject to levy.

(a) Requirement.—Except as otherwise provided in subsection (b), any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made shall, upon demand of the Commissioner of Revenue or his delegate, surrender such property or rights (or discharge such obligation) to the Commissioner of Revenue or his delegate, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) Enforcement of levy.—

(1) Extent of personal liability.—Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the Commissioner of Revenue, shall be liable in his own person and estate to the State of Alabama in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which such levy has been made, together with costs and interest on such sum at an annual rate established by law from the date of such levy [or, in the case of a levy described in Section 6 (d)(3), from the date such person would otherwise have been obligated to pay over such amounts to the taxpayer]. Any amount (other than costs and the 50% penalty provided in subparagraph 2 below) recovered under this paragraph shall be credited against the tax liability for the collection of which such levy was made.

(2) Penalty for violation.—In addition to the personal liability imposed by paragraph (1), if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property without reasonable cause, such person shall be liable for a penalty equal to 50 percent of the amount recoverable from the property under his control. No part of such penalty shall be credited against the tax liability for the collection of which such levy was made.

(c) Effect of honoring levy.—Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the Commissioner of Revenue or his delegate, surrenders such property or rights to property (or discharges such obligation) to the Commissioner of Revenue or his delegate, or who pays a liability under subsection (b)(1), shall be discharged from any obligation or liability to the delinquent taxpayer with respect to such property or rights to property arising from such surrender or payment.

(d) Person defined.—The term "person" as used in subsection (a) includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to surrender the property or rights to property, or to discharge the obligation.

#### Section 8. Production of books.

If a levy has been made on any property, or right to property, any person having custody or control of any books or records containing evidence or statements relating to the property or rights to property subject to levy, shall, upon demand of the Commissioner of Revenue or his delegate, exhibit such books or records to the Commissioner of Revenue or his delegate.

#### Section 9. Sale of seized property.

(a) Notice of seizure.—As soon as practicable after seizure of property, notice in writing shall be given by the Commissioner of Revenue or his delegate to the owner of the property (or, in the case of personal property, the possessor thereof), or shall be left at his usual place of abode or business. If the owner cannot be readily located, or has no dwelling or place of business within the state, the notice may be mailed to his last known address. Such notice shall specify the sum demanded and shall contain, in the case of real property, a description with reasonable certainty of the property seized.

(b) Notice of sale.—The Commissioner or his delegate shall as soon as practicable after the seizure of the property give notice to the owner, in the manner prescribed in subsection (a), and shall cause a notification to be published in some newspaper published or generally circulated within the



county wherein such seizure is made, or if there be no newspaper published or generally circulated in such county, shall post such notice at the post office nearest the place where the seizure is made, and in not less than two other public places. Such notice shall specify the property to be sold, including both a legal description and a readily understandable layman's description, and the time, place, manner, and conditions of the sale thereof. Whenever levy is made without regard to the 30-day notice period, public notice of sale of the property seized shall be made within such 30-day period unless Section 10 (relating to sale of perishable goods) is applicable.

(c) Sale of indivisible property.—If any property liable to levy is not divisible, so as to enable the Commissioner or his delegate by sale of a part thereof to raise the whole amount of the tax and expenses, the whole of such property shall be sold. Such indivisible property shall include only property in which the taxpayer has controlling interest in and may not include property wherein the taxpayer may share in ownership with other persons.

(d) Time and place of sale.—The time of sale shall not be less than 30 days nor more than 60 days from the time of giving public notice under subsection (b). The place of sale shall be within the county in which the property is seized, except by special order of the Commissioner or his delegate.

(e) Manner and conditions of sale.—

(1) Minimum price.—Before the sale the Commissioner or his delegate may determine a minimum price for which the property shall be sold, and if such minimum price is determined, and if no person offers for such property at the sale the amount of the minimum price, the property shall be declared to be purchased at such price for the State of Alabama; otherwise the property shall be declared to be sold to the highest bidder.

(2) Additional Rules Applicable to Sale.—The Commissioner or his delegate shall by regulations prescribe the manner and other conditions of the sale of property seized by levy. If one or more alternative methods or conditions are permitted by regulations, the Commissioner or his delegate shall select the alternatives applicable to the sale. Such regulations shall provide:

(A) That the sale shall not be conducted in any manner other than—

- (i) by public auction, or
- (ii) by public sale under sealed bids.

(B) In the case of the seizure of several items of property, whether such items shall be offered separately, in groups, or in the aggregate; and whether such property shall be offered both separately (or in groups) and in the aggregate, and sold under whichever method produces the highest aggregate amount.

(C) Whether the announcement of the minimum price determined by the Commissioner or his delegate may be delayed until the receipt of the highest bid.

(D) Whether payment in full shall be required at the time of acceptance of a bid, or whether a part of such payment may be deferred for such period (not to exceed 1 month) as may be determined by the Commissioner or his delegate to be appropriate.

(E) The extent to which methods (including advertising) in addition

to those prescribed in subsection (b) may be used in giving notice of the sale.

(F) Under what circumstances the Commissioner or his delegate may adjourn the sale from time to time (but such adjournments shall not be for a period to exceed in all 1 month).

(3) Payment of amount bid.—If payment in full is required at the time of acceptance of a bid and is not then and there paid, the Commissioner or his delegate shall forthwith proceed to again sell the property in the manner provided in this subsection. If the conditions of the sale permit part of the payment to be deferred, and if such part is not paid within the prescribed period, suit may be instituted against the purchaser for the purchase price or such part thereof as has not been paid, together with interest at the rate applicable to liabilities due the Revenue Department from the date of the sale; or, in the discretion of the Commissioner or his delegate, the sale may be declared to be null and void for failure to make full payment of the purchase price and the property may again be advertised and sold as provided in subsections (b) and (c) of this subsection. In the event of such readvertisement and sale any new purchaser shall receive such property or rights to property free and clear of any claim or right of the former defaulting purchaser, of any nature whatsoever, and the amount paid upon the bid price by such defaulting purchaser shall be forfeited.

#### Section 10. Sale of perishable goods.

If the Commissioner or his delegate determines that any property seized is liable to perish or become greatly reduced in price or value by keeping, or that such property cannot be kept without great expense, he shall appraise the value of such property and—

(a) Return to owner.—If the owner of the property can be readily found, the Commissioner or his delegate shall give him notice of such determination of the appraised value of the property. The property shall be returned to the owner if, within such time as may be specified in the notice, the owner—

(1) Pays to the Commissioner or his delegate an amount equal to the appraised value, or

(2) Gives bond in such form, with such sureties, and in such amount as the Commissioner or his delegate shall prescribe, to pay the appraised amount at such time as the Commissioner or his delegate determines to be appropriate in the circumstances.

(b) Immediate sale.—If the owner does not pay such amount or furnish such bond in accordance with this section, the Commissioner or his delegate may as soon as practicable make public sale of the property in accordance with such regulations or in such manner as may be prescribed by the Commissioner or his delegate.

#### Section 11. Redemption of property.

(a) Before sale.—Any person whose property has been levied upon hereunder or subject to execution under Section 40-2-11, Code of Alabama 1975, shall have the right to pay the amount due, together with the expenses of the proceeding, if any, to the Commissioner or his delegate at any time prior to the sale thereof, and upon such payment the Commissioner or his delegate shall restore such property to him, and all further proceedings in connection with the levy on such property shall cease from the time of such payment.

(b) Redemption of real estate after sale.—

(1) Period.—The owners of any real property sold as provided in Section 9, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the property sold, or any particular tract of such property, at any time within one year after the sale thereof. Real property purchased by the state at said sale may be redeemed from the state at any time within one year after the sale thereof.

(2) Price.—Such property or tract of property shall be permitted to be redeemed upon payment to the purchaser, or in case he cannot be found in the county in which the property to be redeemed is situated, then to the Commissioner or his delegate, for the use of the purchaser, his heirs, or assigns, the amount paid by such purchaser and interest thereon at the current rate of interest per annum as last published and charged on delinquent taxes by the Internal Revenue Service. Where the state was purchaser, the tax liability must be paid in full in addition to the costs, penalties and interest in order to redeem.

(c) Record.—When any lands sold are redeemed as provided in this section, the Commissioner or his delegate shall cause entry of the fact to be made upon the record mentioned in Section 14, and such entry shall be evidence of such redemption.

(d) There may be no redemption of personal property.

Section 12. Certificate of sale; deed of real property.

(a) Certificate of sale.—In the case of personal property sold as provided in Section 9, the Commissioner or his delegate shall give to the purchaser a certificate of sale upon payment in full of the purchase price.

(b) Deed to real property.—In the case of any real property sold as provided in Section 9 and not redeemed in the manner and within the time provided in section 11, the Commissioner or his delegate shall execute to the purchaser of such real property at such sale, upon his surrender of the certificate of sale, a deed of the real property so purchased by him, reciting the facts set forth in the certificate.

(c) Real property purchased by State of Alabama.—If real property is declared purchased by the State of Alabama at a sale pursuant to Section 9, the Commissioner or his delegate shall at the proper time execute a deed therefor, and without delay cause such deed to be duly recorded in the probate office of the county in which the property is located.

Section 13. Legal effect of certificate of sale of personal property and deed of real property.

(a) Certificate of sale of property other than real property.—In all cases of a sale of property (other than real property) pursuant to Section 9, the certificate of such sale—

(1) As evidence.—Shall be prima facie evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings in making the sale; and

(2) As conveyances.—Shall transfer to the purchaser all right, title, and interest of the party delinquent in and to the property sold; and

(3) As authority for transfer of corporate stock.—If such property consists of stocks, shall be notice when received, to any corporation, com-

pany, or association of such transfer, and shall be authority to such corporation, company, or association to record the transfer on its books and records in the same manner as if the stocks were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not; and

(4) As receipts.—If the subject of sale is securities or other evidences of debt, shall be a good and valid receipt to the person holding the same, as against any person holding or claiming to hold possession of such securities or other evidences of debt; and

(5) As authority for transfer of title to motor vehicle.—If such property consists of a motor vehicle, shall be notice, when received, to any public official charged with the registration of title to motor vehicles, of such transfer and shall be authority to such official to record the transfer on his books and records in the same manner as if the certificate of title to such motor vehicle were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not.

(b) Deed of real property.—In the case of the sale of real property pursuant to Section 9—

(1) Deed as evidence.—The deed of sale given pursuant to Section 12 shall be prima facie evidence of the facts therein stated; and

(2) Deed as conveyance of title.—If the proceedings of the Commissioner or his delegate as set forth have been substantially in accordance with the provisions of law, such deed shall be considered and operate as a conveyance of all the right, title, and interest the party delinquent had in and to the real property thus sold at the time the lien of the State of Alabama attached thereto.

(c) Effect of junior encumbrances.—A certificate of sale of personal property given or a deed to real property executed pursuant to Section 12 shall discharge such property from all liens, encumbrances, and titles over which the lien of the State of Alabama with respect to which the levy was made had priority.

(d) Effect of senior encumbrances.—A certificate of sale of personal property given or a deed to real property does not discharge such property from liens, encumbrances, and titles senior to the lien of the State of Alabama.

#### Section 14. Records of sales to be kept.

The Commissioner or his delegate shall keep a record of all sales of real property sold under Section 9 and of redemptions of such property. The record shall set forth the tax for which the sale was made, the dates of seizure and sale, the amount of the expenses, the name of purchaser and the date of the deed. A deed to the State of Alabama by virtue of its purchase at the sale shall be promptly recorded in the Probate Office of the county or counties where the property is located.

#### Section 15. Expense of levy and sale.

The Commissioner or his delegate shall determine the expenses to be allowed in all cases of levy and sale, which expenses shall be actual expenses directly related to the sale. The fee for a professional auctioneer that may be employed at the discretion of the Commissioner or his delegate shall be considered an expense of the levy and sale.

Section 16. Application of proceeds of levy.

(a) Collection of liability.—Any money realized by proceedings under this subchapter (whether by seizure, by surrender under Section 7 [except pursuant to subsection (b)(2) thereof], or by sale of seized property) or by sale of property redeemed by the State of Alabama (if the interest of the State of Alabama in such property was a lien arising under the provisions of this title) shall be applied as follows:

(1) Expense of levy and sale.—First, against the expenses of the proceedings;

(2) Specific tax liability on seized property.—If the property seized and sold is subject to a tax imposed under this title which has not been paid, the amount remaining after applying paragraph (1) shall then be applied against such tax liability, including any penalty and interest, (and, if such tax was not previously assessed, it shall then be assessed);

(3) Liability of delinquent taxpayer.—The amount, if any, remaining after applying paragraphs (1) and (2) shall then be applied against the liability in respect of which the levy was made or the sale was conducted.

(b) Surplus proceeds.—Any surplus proceeds remaining after the application of subsection (a) shall be refunded by the Commissioner or his delegate to the person or persons legally entitled thereto.

Section 17. Authority to release levy and return property.

(a) Release of levy.—It shall be lawful for the Commissioner or his delegate to release the levy, and any liens, upon all or part of the property or rights to property levied upon where the Commissioner or his delegate, within their discretion, determines that such action will facilitate the collection of the liability or for other good reason that the levy should be released, but such release shall not operate to prevent any subsequent levy.

(b) Return of property.—If the Commissioner determines that property has been wrongfully levied upon, it shall be lawful for the Commissioner to return—

(1) the specific property levied upon,

(2) an amount of money equal to the amount of money levied upon, or

(3) an amount of money equal to the amount of money received by the State of Alabama from a sale of such property.

(c) Interest.—Interest shall be allowed and paid at an annual rate established by law—

(1) in a case described in subsection (b)(2), from the date the Commissioner receives the money to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days, or

(2) in a case described in subsection (b)(3), from the date of the sale of the property to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days.

**SUBCHAPTER B**

**LIMITATIONS ON ASSESSMENT AND COLLECTION**

Section 18. Limitations on assessment—Income Tax.

The three year limitation period set out in Section 40-18-45(a), *Code of*

*Alabama 1975*, for making income tax assessments shall be suspended upon the entry of a preliminary assessment by the Revenue Department.

**Section 19. Collection after assessment.**

**Length of period.**—Where the assessment of any tax imposed by this title has been begun or made within the period of limitation properly applicable thereto, such tax may be collected by levy or by a proceeding in court, but only if the levy is made or the proceeding begun—

(1) within 10 years after the final assessment of the tax, or

(2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner or his delegate and the taxpayer before the expiration of such 10-year period (or, if there is a release of levy under Section 17 after such 10-year period, then before such release).

The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. The period provided by this subsection during which a tax may be collected by levy shall not be extended or curtailed by reason of a judgment against the taxpayer.

(b) **Date when levy is considered made.**—The date on which a levy on property or rights to property is made shall be the date on which the notice of seizure provided in Section 9 is given.

**Section 20. Suspension of running of period of limitation.**

(a) **General rule.**—The running of the period of limitations provided in Section 18 or 19 on the making of assessments or the collection by levy or a proceeding in court shall be suspended for the period during which the Commissioner is prohibited from making the assessment or from collecting by levy or a proceeding in court and for 60 days thereafter.

(b) **Assets of taxpayer in control or custody of court.**—The period of limitations on collection after assessment prescribed in Section 18 or 19 shall be suspended for the period the assets of the taxpayer are in the control or custody of the court in any proceeding before any court of the State of Alabama, and for 6 months thereafter.

(c) **Taxpayer outside State of Alabama.**—The running of the period of limitations on collection after assessment prescribed in Section 18 or 19 shall be suspended for the period during which the taxpayer is outside the State of Alabama if such period of absence is for a continuous period of at least 6 months. If the preceding sentence applies and at the time of the taxpayer's return to the State of Alabama the period of limitations on collection after assessment prescribed in Section 18 or 19 would expire before the expiration of 6 months from the date of his return, such period shall not expire before the expiration of such months.

(d) **Cases under title 11 of the United State Code (Bankruptcy).**—The running of the period of limitations provided in Section 18 or 19 on the making of assessments or collection shall, in a case under title 11 of the United States Code (Bankruptcy), be suspended for the period during which the Commissioner is prohibited by reason of such case from making the assessment or from collecting and—

(1) for assessment, 6 months thereafter, and

(2) for collection, 6 months thereafter.

**SUBCHAPTER C**  
**ADDITIONS TO TAX AND PENALTIES**

**Section 21. Bad checks.**

If any check or money order in payment of any amount receivable under this title is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered such check, upon notice and demand by the Commissioner or his delegate, in the same manner as tax, an amount equal to 10 percent of the amount of such check, except that if the amount of such check is less than \$500, the penalty under this section shall be \$10 or the amount of such check, whichever is the lesser. This section shall not apply if the person tendered such check in good faith and with reasonable cause to believe that it would be duly paid, or settlement is made by the taxpayer within ten days after notification of receipt of a bad check by the Department.

**Section 22. Automatic Refund.**

Where the Department of Revenue determines that a taxpayer is entitled to a refund, the Department of Revenue shall automatically refund to that taxpayer the amount of any excess tax so paid to the State of Alabama; provided, however, that the statute of limitations provisions of the applicable tax law shall apply.

**Section 23. Rules for application of assessable penalties.**

(a) **Penalty assessed as tax.**—The penalties and liabilities provided by this subchapter shall be paid upon notice and demand by the Commissioner or his delegate, and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in this title to “tax” imposed by this title shall be deemed also to refer to the penalties and liabilities provided by this subchapter.

(b) **Person defined.**—The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

**Section 24. Failure to collect and pay over tax, or attempt to evade or defeat tax.**

(a) **General rule.**—Any person required to collect, truthfully account for, and/or pay over any tax imposed by §§ 40-17-2, 40-17-220, 40-18-71, 40-21-82, 40-23-2, 40-23-61, 40-26-1, Code of Alabama 1975 and any other local sales, use, and gross receipts taxes collected by the State Department of Revenue who willfully fails to collect such tax, or truthfully account for, and/or pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable for a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

(b) **Extension of period of collection where bond is filed.**—

(1) **In general.**—If, within 30 days after the day on which notice and demand of any penalty under subsection (a) is made against any person, such person—

(A) pays an amount which is not less than the minimum amount required to commence a proceeding in court with respect to his liability for such penalty.

(B) files a claim for refund of the amount so paid, and

(C) furnishes a bond which meets the requirements of paragraph (3), no levy or proceeding in court for the collection of the remainder of such penalty shall be made, begun, or prosecuted until a final resolution of a proceeding begun as provided in paragraph (2).

(2) Suit must be brought to determine liability for penalty.—If, within 30 days after the day on which his claim for refund with respect to any penalty under subsection (a) is denied, the person described in paragraph (1) fails to begin a proceeding in the appropriate court for the determination of his liability for such penalty; paragraph (1) shall cease to apply with respect to such penalty, effective on the date following the close of the 30-day period referred to in this paragraph.

(3) Bond.—The bond referred to in paragraph (1) shall be in such form and with such sureties as the Commissioner may by regulations prescribe and shall be in an amount equal to 1 ½ times the amount of excess of the penalty assessed over the payment described in paragraph (1).

(4) Suspension of running of period of limitations on collection.—The running of the period of limitations provided in section 18 on the collection by levy or by a proceeding in court in respect of any penalty described in paragraph (1) shall be suspended for the period during which the Commissioner is prohibited from collecting by levy or a proceeding in court.

(5) Jeopardy collection.—If the commissioner makes a finding that the collection of the penalty is in jeopardy, nothing in this subsection shall prevent the immediate collection of such penalty.

**Section 25. Fraudulent statement or failure to furnish statement to employee.**

In addition to the criminal penalty provided by Section 33, any person required under this title to furnish a statement to an employee who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required shall for each such failure be subject to a penalty under this subchapter of \$50.

**Section 26. False information with respect to withholding.**

(a) Civil Penalty.—In addition to any criminal penalty provided by law, if—

(1) any individual makes a statement under Section 40-18-73 which results in a decrease in the amounts deducted and withheld under Section 40-18-71, and

(2) as of the time such statement was made, there was no reasonable basis for such statement, such individual shall pay a penalty of \$500 for such statement.

(b) Exception.—The Commissioner may waive (in whole or in part) the penalty imposed under subsection (a) if the taxes imposed with respect to the individual under Chapter 18 of Title 40, Code of Alabama 1975 for the taxable year are equal to or less than the sum of—

(1) the credits against such taxes allowed by Sections 40-18-21, 40-18-120 and 40-18-121, and

(2) the payments of estimated tax which are considered payments on



account of such taxes.

## **SUBCHAPTER D**

### **JEOPARDY**

#### **Section 27. Jeopardy Assessment for Income Tax.**

(a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year unless such proceedings be brought without delay, the Commissioner or his delegate shall declare the taxable period for such taxpayer immediately terminated, and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of jeopardy.

(b) Reopening of taxable period.—Notwithstanding the termination of the taxable period of the taxpayer by the Commissioner or his delegate, as provided in subsection (a), the Commissioner or his delegate may reopen such taxable period each time the taxpayer is found by the Commissioner or his delegate to have received income, within the current taxable year, since a termination of the period under subsection (a). A taxable period so terminated by the Commissioner or his delegate may be reopened by the taxpayer if he files with the Commissioner or his delegate a true and accurate return of the items of gross income and of the deductions and credits allowed under this title for such taxable period, together with such other information required under this title. If the taxpayer is a nonresident, the taxable period so terminated may be reopened by him if he files, or causes to be filed, with the Commissioner or his delegate a true and accurate return of his total income derived from all sources within the State of Alabama, in the manner prescribed in this title.

(c) Abatement if jeopardy does not exist.—The Commissioner or his delegate may abate the jeopardy assessment if he finds that jeopardy does not exist. The period of limitation on the making of assessments and levy or a proceeding in court for collection, in respect of any deficiency, shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the 10th day after the day on which such jeopardy assessment is abated.

(d) when a jeopardy assessment has been as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable interest and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or disapprove the bond, but such approval shall not be unreasonably withheld.

(e) A final jeopardy assessment entered hereunder may be appealed to

the appropriate circuit court of Alabama in the same manner as provided under § 40-2-22, Code of Alabama 1975.

**Section 28. Jeopardy Assessment—Other taxes.**

(a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect any tax imposed by Title 40 other than income tax, the Commissioner or his delegate may issue notice of such finding to the taxpayer by personal service or mailing to his/her last known address, together with a demand for immediate payment of the tax declared to be in jeopardy, including penalties and additions thereto and such tax, penalty, interest and additions thereto shall be immediately due and payable. A final assessment of such tax may be entered immediately and if the assessment is not paid upon such demand of the Commissioner or his delegate, the Commissioner or his delegate may forthwith issue a warrant for levy and distraint of any personal property of the taxpayer which shall be collected in the same manner and with like effect as provided under subchapter A of this Act.

(b) In the case of a tax for a current period, the Commissioner or his delegate may declare the taxable period of the taxpayer immediately terminated and may at his discretion estimate the tax liability based upon the best information obtainable. Notice of such finding and declaration shall be issued to the taxpayer in the same manner as in subsection (a).

(c) When a jeopardy assessment has been made as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable interest and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or disapprove the bond, but such approval shall not be unreasonably withheld.

(d) In any proceeding in court to contest the jeopardy assessment or to enforce payment of the taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, shall be for all purposes presumptive evidence of jeopardy.

(e) A final jeopardy assessment entered hereunder may be appealed to the appropriate circuit court of Alabama in the same manner as provided under § 40-2-22, Code of Alabama 1975.

## **SUBCHAPTER E**

### **CRIMES**

**Section 29. Attempt to evade or defeat tax.**

Any person who willfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 5 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

**Section 30. Willful failure to collect or pay over tax.**

Any person required under this title to collect, account for, and pay over any tax imposed by this title who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

Section 31. Willful failure to file return, supply information, or pay tax.

Any person required under this title to pay any estimated tax or tax, or required by this title or by regulations made under authority thereof to make a return, (other than a return required under Section 40-18-82, Code of Alabama 1975), keep any records, or supply any information, who willfully fails to pay such estimated tax or tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25,000 (\$100,000 in the case of a corporation), or imprisoned not more than 1 year, or both, together with the costs of prosecution. In the case of any person with respect to whom there is a failure to pay any estimated tax, this section shall not apply to such person with respect to such failure if there is no addition to tax under Section 40-18-80(d) and (e), Code of Alabama 1975, as amended, with respect to such failure.

Section 32. Fraudulent statement or failure to make statement to employees.

In lieu of any other penalty provided by law (except the penalty provided by Section 26) any person required under the provisions of Section 40-18-75, Code of Alabama 1975, to furnish a statement who willfully furnishes a false or fraudulent statement or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under Section 40-18-75, Code of Alabama 1975, or regulations prescribed thereunder, shall, for each such offense, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

Section 33. Fraudulent withholding exemption certificate or failure to supply information.

Any individual required to supply information to his employer under Section 40-18-73, Code of Alabama 1975, who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under Section 40-18-73, Code of Alabama 1975, shall, in lieu of any other penalty provided by law, upon conviction thereof, be fined not more than \$500, or imprisoned not more than 1 year, or both.

Section 34. Fraud and false statements.

Any person who—

(1) Declaration under penalties of perjury.—Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or

(2) Aid or assistance.—Willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with

any matter arising under, the state revenue laws, of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document; or

(3) Fraudulent bonds, permits, and entries.—Simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of this title, or by any regulation made in pursuance thereof, or procures the same to be falsely or fraudulently executed, or advises, aids in, or connives at such execution thereof, or

(4) Removal or concealment with intent to defraud.—Removes, deposits, or conceals, or is concerned in removing, depositing, or concealing, any goods or commodities for or in respect whereof any tax is or shall be imposed, or any property upon which levy is authorized by Section 6, with intent to evade or defeat the assessment or collection of any tax imposed by this title;

shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 3 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

#### Section 35. Fraudulent returns, statements, or other documents.

Any person who willfully delivers or discloses to the Commissioner or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both. Any person required pursuant to this title to furnish any information to the Commissioner or his delegate who willfully furnishes to the Commissioner or his delegate any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both.

#### Section 36. Failure to obey subpoena.

Any person who, being duly subpoenaed to appear to testify, or to appear and produce books, accounts, records, memoranda, or other papers, as required under Section 40-2-11(7) and (8), Code of Alabama 1975, or any other section in this title requiring the production of information, neglects or fails to appear without cause or to produce such books, accounts, records, memoranda, or other papers without cause, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with costs of prosecution as determined and ordered distributed by the trial court.

#### Section 37. Attempts to interfere with administration of state revenue laws—Taxpayer protection from harassment.

(a) Corrupt or forcible interference.—Whoever corruptly or by force or threats of force (including any threatening letter or communication) endeavors to intimidate or impede any officer or employee of the State of Alabama acting in an official capacity under this title, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or endeavors to obstruct or impede, the due administration of this title, shall, upon conviction thereof, be fined not more than \$5,000, or imprisoned not more than 3 years, or both, except

that if the offense is committed only by threats of force, the person convicted thereof shall be fined not more than \$3,000, or imprisoned not more than 1 year, or both. The term "threats of force", as used in this subsection, means threats of bodily harm to the officer or employee of the State of Alabama or to a member of his family.

(b) Forcible rescue of seized property.—Any person who forcibly rescues or causes to be rescued any property after it shall have been seized under this title, or shall attempt or endeavor so to do, shall, excepting in cases otherwise provided for, for every such offense, be fined not more than \$500, or not more than double the value of the property so rescued, whichever is the greater, or be imprisoned not more than 2 years.

(c) Any employee of the State Revenue Department acting in an official capacity under the provisions of this title who by unlawful force or threats of force endeavors to intimidate or harass a taxpayer, upon determination by a special board to be appointed by the State Personnel Department that the charge is valid, shall be subject to immediate dismissal, and upon such dismissal may be subject to such penalties as provided under this section. The term "threats of force" as used in this subsection means threats of bodily harm to the taxpayer or to a member of his family.

Section 38. Periods of limitation on criminal prosecutions.

No person shall be prosecuted, tried, or punished for any of the various offenses arising under the revenue laws unless the indictment is found or the prosecution instituted within 3 years next after the commission of the offense, except that the period of limitation shall be 6 years—

(1) for offenses involving the defrauding or attempting to defraud the State of Alabama or any agency thereof, whether by conspiracy or not, and in any manner;

(2) for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof;

(3) for the offense of willfully aiding or assisting in, or procuring, counseling, or advising, the preparation or presentation under, or in connection with any matter arising under, the statute revenue laws, of a false or fraudulent return, affidavit, claim or document (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document);

(4) for the offense of willfully failing to pay any tax, or make any return at the time or times required by law or regulations;

(5) for offenses described in Sections 34 and 35 (relating to false statements and fraudulent documents);

(6) for the offense described in Section 37 (relating to intimidation of officers and employees of the State of Alabama);

The time during which the person committing any of the various offenses arising under the revenue laws is outside the State of Alabama or is a fugitive from justice within the meaning of the State of Alabama Code, shall not be taken as any part of the time limited by law for the commencement of such proceedings.

Section 39. The Commissioner of Revenue will file a report in one year periods of the effective date of this Act for a period of five years that states the amount of additional tax money that was collected as the result of this Act. This report shall be delivered to each Legislator and each Con-

stitutional officer.

Section 40. All laws or parts of laws which conflict with this Act are repealed.

Section 41. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 42. This Act shall become effective the first day of January, 1984.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 10. JOINT INTERIM COMMITTEE TO STUDY PARKING FACILITIES IN CAPITOL COMPLEX.

Also:

S. J. R. 14. WISHING SENATOR ROGER BEDFORD, JR., ALL GOOD WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

Also:

S. J. R. 18. COMMENDING MURPHY HIGH SCHOOL OF MOBILE, STATE 4A FOOTBALL CHAMPIONS FOR 1983.

Also:

S. J. R. 19. COMMENDING THE COLLINSVILLE PANTHERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

S. J. R. 20. EXPRESSING COMMENDATION AND SUPPORT OF THE INAUGURAL RUSSELL ATHLETIC BOWL, THE FIRST NATIONAL POP WARNER FOOTBALL CHAMPIONSHIP.

Also:

S. J. R. 33. COMMENDING COACH PAT DYE AND AUBURN UNIVERSITY ON THE TIGERS' SOUTHEASTERN CONFERENCE CHAMPIONSHIP.

Also:

S. J. R. 21. CONGRATULATING BROOKWOOD MEDICAL CENTER ON ITS 10TH ANNIVERSARY.

Also:

S. J. R. 22. CONGRATULATING OAK GROVE HIGH SCHOOL, STATE 2A FOOTBALL CHAMPIONS FOR 1983.

Also:

S. J. R. 34. COMMENDING THE OAK GROVE HIGH SCHOOL TIGER BAND.

Also:

S. J. R. 35. COMMENDING MRS. ANN GALLOWAY, ANHA "ADMINISTRATOR OF THE YEAR."

Also:

S. J. R. 38. COMMENDING COACH LOU SCALES OF CALHOUN COUNTY'S ALEXANDRIA HIGH SCHOOL.

Also:

S. J. R. 40. MOURNING THE DEATH OF MISS CARYL LYNN STUCKEY OF MONTGOMERY, ALABAMA.

CHARLES BISHOP,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **FURTHER CONSIDERATION OF H. B. 13**

The Senate proceeded to further consideration of the Bill, H. B. 13. The question was on the substitute offered by Senator Teague.

### **RESOLUTIONS**

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 48. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

WHEREAS, the Republic of China is a long-time friend, ally and trade partner of the United States; and

WHEREAS, the Republic of China holds a pivotal, strategic position in Asia and the Western Pacific which is vitally important to the interest and the defense of the United States; and

WHEREAS, the people of the Republic of China enjoy a democratic way of life, a high standard of living and fundamental human rights; and

WHEREAS, continued friendship and trade with the Republic of China is vitally important to the State of Alabama and the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature, on behalf of the people of Alabama, petition the President to reestablish official governmental relations with the Republic of China; we further petition the Congress of the United States to take all necessary actions to provide specific security guarantees for the Republic of China.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the President of the United States, the President of the Senate of the United States and to each member of the Alabama Congressional Delegation.

Which was read and referred to the Standing Committee on Rules.

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 49. COMMENDING MR. AND MRS. RONNIE JONES, OF MENTONE, ALABAMA UPON THEIR SELECTION AS "OUTSTANDING YOUNG FARM FAMILY OF 1983."

WHEREAS, it is with a sense of great pride that the Senate of the Alabama Legislature notes the recent selection of Mr. and Mrs. Ronnie Jones, of Mentone, Alabama, as Outstanding Young Farm Family of 1983; and

WHEREAS, this prestigious award is presented annually by the Alabama Farm Bureau to the family that most exemplifies those qualities admired most by the farming community; and

WHEREAS, both Ronnie and his lovely wife Gail are graduates of Auburn, where Ronnie was a star lineman on the football team; and

WHEREAS, Ronnie and Gail own a total of 920 acres which is primarily a row crop and stocker cattle farm; now therefore,

BE IT RESOLVED BY THE ALABAMA SENATE, That we most highly commend and congratulate Ronnie and Gail Jones, along with their two daughters, Kristeen and Candace, upon their recent selection as Outstanding Young Farm Family of 1983.

RESOLVED FURTHER, That a copy of this resolution be sent to Ronnie and Gail as evidence of our high esteem and warmest personal regard.

Which was read and referred to the Standing Committee on Rules.

Senator Barron then offered the following Senate Resolution, to-wit:

S. R. 50. MOURNING THE DEATH OF MARINE CORPORAL SHANNON D. BIDDLE.

WHEREAS, the Senate of the Alabama Legislature sorrowfully records the death of Marine Corporal Shannon D. Biddle of Valley Head, Alabama, who was killed December 4, 1983, in the attack of a United States Marine Corps base in Lebanon; and

WHEREAS, though only 21 years of age and a 1980 graduate of Valley Head High School, young Shannon Biddle was serving his second tour of duty in Lebanon and was a veteran as well of the October 1983 Marine invasion of Grenada; and

WHEREAS, in the death of Corporal Biddle, the State of Alabama has given up a beloved native son; he was a brave young stalwart who answered duty's call, willing to give his life in freedom's cause; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we grievously mourn the death of United States Marine Corporal Shannon D. Biddle, and extend our very deepest sympathy to his wife, Mrs. Beverly Boyd Biddle; to his parents, Mr. and Mrs. Rayford Fuller; and to other family members whose deep sorrow also is ours.



BE IT FURTHER RESOLVED, That Corporal Biddle's family be provided with copies of this resolution, tendered in honor of his memory and in highest tribute to his courage.

Which was read and referred to the Standing Committee on Rules.

### **FURTHER CONSIDERATION OF H.B. 13**

The Senate proceeded to further consideration of the Bill, H. B. 13. The question was on the substitute offered by Senator Teague.

### **RESOLUTION**

Senator Amari offered the following Senate Resolution, to-wit:

#### **S. R. 51. COMMENDING THE ERWIN HIGH SCHOOL VARSITY CHEERLEADERS.**

WHEREAS, in August 1983, the varsity cheerleaders of Jefferson County's Erwin High School received a Superior rating in state competition at Auburn University, an event sponsored and judged by the National Cheerleading Association; and

WHEREAS, as the top-rated squad in Alabama, the Erwin Cheerleaders will travel to Dallas, Texas, December 28-30, 1983, to compete for the national title against other top-rated squads from all over the United States; and

WHEREAS, Alabama's number-one Erwin Cheerleaders are: Shari Phillips, Beth Morgan, Karen Hale, Michelle Chappel, Andrea Newman, Annette McGuire, Melissa Schuelly, Kim Nichols, Kelli Couch, Missy Martin, Jenny Busby, Christy White, Tamra Wells, Diane Fuller and Ginger Piazza; Mrs. Carol Russell is the squad's sponsor; now therefore

BE IT RESOLVED BY THE ALABAMA SENATE, That we extend heartiest congratulations and do hereby most highly commend the Erwin High School Varsity Cheerleaders, Alabama's number-one cheerleading squad.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Erwin Cheerleaders with a copy also provided for appropriate school display.

Which was read and referred to the Standing Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

### **FURTHER CONSIDERATION OF H. B. 13.**

The Senate proceeded to further consideration of the Bill, H. B. 13. The question was on the substitute offered by Senator Teague.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

CHARLES BISHOP,  
Chairperson.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

**RECESS**

At 3:20 P.M., on motion of Senator deGraffenried, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 4:35 P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 44. ENDORSING THE PROCLAMATION OF JANUARY 1984 AS MEDICAL EYE MONTH.

Also:

S. J. R. 45. COMMENDING MR. BARNEY WEEKS UPON HIS RETIREMENT AS PRESIDENT OF THE ALABAMA LABOR COUNCIL, AFL-CIO.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 8. TO AMEND AND REENACT ACT. NO. 79-43, HJR 19 OF THE FIRST SPECIAL SESSION 1979 (ACTS 1979, PAGE 61) WHICH RELATES TO THE CREATION OF A CONTINUING JOINT COMMITTEE ON AGRICULTURE, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED ANNUAL EXPENDITURES OF THE

COMMITTEE.

JOHN W. PEMBERTON,  
Clerk.

**FURTHER CONSIDERATION OF H. B. 13**

The Senate proceeded to further consideration of the Bill, H. B. 13. The question was on the substitute offered by Senator Teague.

Senator deGraffenried offered the following amendment to the substitute for the Bill, H. B. 13, to-wit:

**AMENDMENT TO SUBSTITUTE FOR H. B. 13**

Amend House Bill 13, as amended, on page 16, line 29 by deleting the following language: "by special order of the Commissioner or his delegate." and by inserting therein the following language:

"where property is owned in two or more counties the Commissioner or his delegate may determine in which of the counties in which any of the property is located the sale shall be held."

Which was adopted.

Senator deGraffenried then offered the following amendment No. 2 to the substitute, as amended, for the Bill, H.B. 13, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H.B. 13**

Amend substitute, as amended, for House Bill 13, on page 14, line 25, after the word "the" by deleting the number "50" and inserting therein the number "10".

Further amend substitute, as amended, for House Bill 13, on page 14, line 33, after the word "to" by deleting the number "50" and inserting therein the number "10".

Which was adopted.

Senator deGraffenried then offered the following amendment No. 3 to the substitute, as amended, for the Bill, H. B. 13, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 13**

Amend substitute, as amended, for House Bill 13, on page 15, line 11, after the word "officer" by deleting the words "or employee".

Further amend substitute, as amended, for House Bill 13, on page 15, line 12, after the word "member" by deleting the words "or employee".

Further amend substitute, as amended, for House Bill 13, on page 15, line 13, by deleting the word "employee" and the comma immediately following.

Further amend substitute, as amended, for House Bill 13, on page 26, line 36, after the word "officer" by deleting the words "or employee".

Further amend substitute, as amended, for House Bill 13, on page 26, line 37, after the word "member" by deleting the words "or employee".

Further amend substitute, as amended, for House Bill 13, on page 26, line 38, by deleting the word "employee" and the comma immediately following.

Which was adopted.

Senator deGraffenried then offered the following amendment No. 4 to the substitute, as amended, for the Bill, H. B. 13, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 13**

Amend substitute, as amended, for House Bill 13, page 32, line 14, by changing the comma following the word "both" to a period and deleting the remainder of this paragraph.

Further amend substitute, as amended, for House Bill 13, page 32, line 26, by changing the comma following the word "both" to a period and deleting the remainder of this paragraph.

Further amend substitute, as amended, for House Bill 13, page 34, line 33, by changing the comma following the word "both" to a period and deleting the remainder of the paragraph.

Further amend substitute, as amended, for House Bill 13, page 35, line 26, by changing the comma following the word "both" to a period and deleting the remainder of the paragraph.

Which was adopted.

Senator deGraffenried then offered the following amendment No. 5 to the substitute, as amended, for the Bill, H. B. 13, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 13**

Amend substitute, as amended, for House Bill 13, on page 27, line 14, by deleting the word "equal" and inserting in lieu thereof the word "up"

Which was adopted.

Senator deGraffenried then offered the following amendment No. 6 to the substitute, as amended, for the Bill, H. B. 13, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H.B. 13**

Amend substitute, as amended, for House Bill 13, on page 23, line 31, by deleting sub-paragraph (3) in its entirety and inserting in lieu thereof the following:

"(3) an amount of money equal to the fair market value of the property levied upon and the reasonable cost of a judicial determination of the existence of a wrongful levy."

Which was adopted.

Senator deGraffenried then offered the following amendment No. 7 to the substitute, as amended, for the Bill, H. B. 13, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H.B. 13**

Amend substitute, as amended, for House Bill No. 13 Page 37 Line 37, by striking out the word January and inserting in lieu thereof the word "June"

On motion of Senator Teague, said amendment was laid on the table.

Yeas 21; Nays 5.

*Yeas:*

Senators:	Cabaniss	Ellis	Menton
Amari	Cooley	Goodwin	Mitchem
Barron	Corbett	Holmes	Smith (J)
Bedsole	Denton	Langford	Strong
Bennett	Dial	Little	Teague
Bishop	Dixon		

—21

*Nays:*

Senators:	Bailey	Hand	Smith (B)
Aldridge	deGraffenried		

—5

Senator Aldridge offered the following amendment to the substitute, as amended, for the Bill, H. B. 13, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 13**

Amend Substitute, as amended, for House Bill 13, Sections 3, Page 3, by adding the following additional paragraph:

"If the taxpayer shall file with the Department of Revenue a bond in double the amount of the lien filed, with surety or sureties to be either a surety company authorized to do business in Alabama or such individual property owners, not less than three in number, as are recommended by the judge of probate of the county in which the notice of lien is recorded, conditioned to pay all such tax, interest penalty, additional amount or addition to such tax, together with any costs which may occur in addition thereto as may be assessed against the taxpayer, principal in said bond, the Commissioner of Revenue or his delegate, shall withdraw and release said lien filed under the provisions of this section, and upon a determination that the said taxpayer owes any of said taxes to the state, the assessment (judgment) therefor shall be entered against said taxpayer and the surety or sureties on said bond; and, if not paid within 30 days from the date of said final assessment (judgment), then execution shall issue therefor against said principal and the surety or sureties on said bond. If the bond hereinabove provided for is not given and approved by the said Commission, and a final assessment (judgment) is entered against said taxpayer and he duly and legally appeals therefrom within the time and in the manner provided for by this title, and the clerk or register of the court to which the appeal has been taken duly and legally approves the bond required by Section 40-2-22 or the said taxpayer against whom the said assessment was entered by the State Department of Revenue shall, within 30 days from the date of said assessment, pay the amount thereof to the state, then, in either of said events, the Commissioner of Revenue shall cancel or release from record said lien."

Which was adopted.

Senator Smith (B) offered the following amendment to the substitute, as amended, for the Bill, H. B. 13, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 13**

Amend substitute, as amended, for H. B. 13, page 13, at the end of Section 6, by adding a new subsection (f) to read as follows:

"(f) Provided that the powers conferred on the Commissioner of Revenue, or his duly authorized representatives, by this Section shall not be effective until 60 days after receipt by the Sheriff of a writ of execution issued by the Revenue Department under Section 40-2-11(17), Code of Alabama 1975."

Which was adopted.

Senator Langford offered the following amendment to the substitute, as amended, for the Bill, H. B. 13, to-wit:

# **AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 13**

Amend substitute, as amended, for House Bill 13, at the end of Section 6 by adding a new subparagraph (g) as follows:

"(g) Any person desiring to appeal under Section 40-2-22 Code of Alabama 1975, from any final assessment made by the department of revenue may do so by following the procedures outlined therein with the following exception: if a person can show to the satisfaction of the clerk of the circuit court to which the appeal is taken that he has a total gross net worth of \$20,000 or less including his homestead, then said person may take such appeal without either paying the tax in full or posting a supersedeas bond in twice the amount of such final assessment."

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 32; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Mitchem	
Aldridge	Corbett	Goodwin	Parsons	
Amari	Covington	Hand	Pearson	
Bailey	deGraffenried	Hilliard	Sanders	
Barron	Denton	Holmes	Smith (B)	
Bedsole	Dial	Langford	Smith (J)	
Bennett	Dixon	Little	Strong	
Bishop	Ellis	Menton	Teague	
Cabaniss				—32

Nays: —0

And said Bill, H. B. 13, as thus amended by the substitute, as amended, was read a third time at length and passed.

Yeas 27; Nays 4.

Yeas:

Senators:	Cabaniss	Figures	Mitchem	
Aldridge	Cooley	Foshee	Parsons	
Amari	Corbett	Goodwin	Pearson	
Bailey	Covington	Holmes	Smith (B)	
Barron	Denton	Langford	Smith (J)	
Bedsole	Dixon	Little	Strong	
Bennett	Ellis	Menton	Teague	—27

Nays:

Senators:	Dial	Hand	Hilliard	
deGraffenried				—4

## **RESOLUTION**

Senators Bennett, Parsons, Ellis, Cabaniss, and Amari offered the following

Senate Joint Resolution, to-wit:

**S. J. R. 52. REQUESTING THE JEFFERSON COUNTY COMMISSION TO PROVIDE ALL POSSIBLE ASSISTANCE IN RE-OPENING THE MORGAN ROAD BRIDGE.**

WHEREAS, the old Morgan Road Bridge in the Hopewell Community was destroyed in a flash flood last Saturday, and

WHEREAS, the bridge, used regularly by hundreds of workers from Southwest Jefferson and Shelby Counties each day, is an important access facility and urgently needs rebuilding, and

WHEREAS, the State Highway Department has already responded to pleas for help by installing a one-lane replacement bridge, and

WHEREAS, the burden of reconstruction, estimated at over \$250,000 is beyond the reach of the City of Bessemer in which the Morgan Road link is located; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Jefferson County Commission give all due consideration to lending whatever assistance possible including financial help, in-kind labor and construction materials.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Commissioner Chriss Doss, Ray Moore and David Orange in hopes some emergency help might be forthcoming.

Which was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Coburn, Johnson (Roy), Holley and Moore:

H. 26. To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2 and 40-20-8, so as to provide for a definition of "submerged lands", "offshore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 25 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; to repeal conflicting laws; provide certain taxing limits on local government entities; and provide for an effective date.

Also:

By Reps. Biddle, Carothers, Flowers, Pratt, White (L), Johnson (RG), Mikell, and Butler:

H. 3. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and or amphetamine like anorectic drug or compound and or any sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the

therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 26. To the Committee on Finance and Taxation.

H. B. 3. To the Committee on Health and Welfare.

### RESOLUTION

Senators Parsons, Cabaniss, Bennett, and Amari offered the following Senate Resolution, to-wit:

S. R. 53. COMMENDING THE AMERICAN RED CROSS FOR ASSISTANCE TO DISASTER VICTIMS IN ALABAMA.

WHEREAS, since December 3, 1983, numerous Alabama communities have suffered greatly from the ravages of torrential rains, windstorms, tornadoes, and floods; and

WHEREAS, in numerous communities throughout the State, including Selma, Oxford, Ensley, Bessemer, Hueytown and Roosevelt City, thousands have been left homeless, several deaths have been recorded and literally hundreds have suffered injury as a result of this series of disasters; and

WHEREAS, as is the case, historically, the American Red Cross and its volunteers have responded promptly to the emergency situation, offering temporary shelter, clothing and food supplies, bedding and even replacement furniture and appliances to the victims of these recent storms and resultant flood conditions; and

WHEREAS, it is further to be noted that the Red Cross has even brought in out-of-state personnel to provide every possible assistance to



those in Alabama in need of immediate relief; now therefore,

**BE IT RESOLVED BY THE ALABAMA SENATE,** That we hereby most highly commend the American Red Cross and the organization's many volunteers who have come to the aid of many of Alabama's citizens and communities in the wake of recent natural disasters.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be forwarded to the director of the American Red Cross in expression of the Senate's gratitude for the organization's contributions in Alabama.

Which was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Perdue, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sassser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

**H. J. R. 122. EXPRESSING LEGISLATIVE SUPPORT OF SENATOR HOWELL HEFLIN IN HIS EFFORTS TOWARD THE ESTABLISHMENT OF A RESEARCH PARK IN ALABAMA.**

**WHEREAS,** on December 6, 1983, United States Senator Howell Heflin chaired the first of two hearings of the Senate's Science, Technology and Space subcommittee to be held in Alabama; and

**WHEREAS,** the Birmingham hearing on the development of research parks was the first ever to be held outside Washington, D. C., and was for the purpose of stimulating cooperation between the federal government, private industry and academia in working toward the establishment of such facilities; and

**WHEREAS,** it is the consensus of the Legislature that there is great potential for a research park in our state established on such strengths, for example, as those existing in Birmingham: the University of Alabama Medical Complex, Southern Research Institute, its proximity to the Huntsville Marshall Space Flight Center and Birmingham's expertise in metal manufacturing and medical research; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we wholeheartedly express our support of Senator Howell Heflin in his efforts toward the establishment of a research park in Alabama, and direct that he receive a copy of this resolution in expression of our appreciation for his endeavors on our state's

behalf.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. R. J. 122, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 130. RELATING TO THE BINDING OF THE ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Acts and Journals of the 1983 3rd Special Session, 1983 4th Special Session and any other legislative sessions convened prior to the 1984 Regular Session shall be bound together. The Acts and Journals of the 1984 Regular Session shall not be bound with the aforementioned legislative sessions.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 130, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Boles:

H. J. R. 125. AMENDING ACT NO. 83-72, HJR 24, 1983 1ST SPECIAL SESSION, WHICH CREATED AN INTERIM COMMITTEE ON FINANCES AND BUDGETS, SO AS TO INCREASE THE MEMBERSHIP ON THE COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 83-72, H.J.R. 24, 1983 1st Special Session, is hereby amended to read as follows, viz:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including ex officio members, shall each be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session, and in the same manner and under the same conditions as when they meet in legislative session. Provided, however, that said Commit-

tee shall not be paid for more than 30 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the Chairman and Deputy Chairman of the Senate Committee on Finance and Taxation and seventeen members of the Committee on Finance and Taxation to be appointed by the Lieutenant Governor, the President Pro Tempore of the Senate, the Lieutenant Governor, and the members of the House Standing Committee on Ways and Means, the Speaker Pro Tempore of the House, and the Speaker of the House, seven additional members of the House to be appointed by the Speaker of the House of Representatives and three additional members of the Senate to be appointed by the President of the Senate. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee.

"The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the Committee. The said Co-Chairmen may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. The Committee may employ such clerical and expert assistance as the Committee may find necessary in performing its duties.

"All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and shall furnish any and all information that may be requested by the Committee.

"BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the fifth legislative day of the regular session. Said Committee shall terminate November 1, 1986."

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 125, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Bowling:

H. J. R. 126 COMMENDING THE REVEREND HAROLD G. HERMETZ OF SAINT PAUL'S LUTHERAN CHURCH, CULLMAN, FOR 25 YEARS OF OUTSTANDING SERVICE TO THE LUTHERAN

## MINISTRY.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 126, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. White (F.):

H. J. R. 111. COMMENDING THE ESCAMBIA COUNTY HIGH SCHOOL BLUE DEVILS, STATE 3A FOOTBALL CHAMPIONS.

Also:

By Reps. Black, Kennedy, Reed, Buskey (James), Buskey (John), Bryant, and Thomas:

H. J. R. 112. COMMENDING THE REVEREND PETER JAMES KIRKSEY OF GREENE COUNTY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolutions, H. J. R.'s 111 and 112, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Mitchell, Poole, Johnson (Roy), Melton, and Brakefield:

H. J. R. 114. DESIGNATING TUSCALOOSA, ALABAMA, AS THE OFFICIAL SITE OF THE ANNUAL ALABAMA STATE FIDDLE CHAMPIONSHIPS AND BLUE GRASS FESTIVAL.

WHEREAS, the first annual Alabama State Fiddle Championships and Bluegrass Festival will be held August 17-18, 1984, with Tuscaloosa as the host city for the big event; and

WHEREAS, for the purpose of promoting and perpetuating "old time" music and dancing, the two-day festival will include contests in guitar, fiddle, banjo, mandolin, bands and buck dance, in various age groups, to decide state championships in all categories; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the first host city, Tuscaloosa, Alabama, as the official site of the Annual Alabama State Fiddle Championships and Bluegrass Festival, beginning in

August 1984 and forever thereafter.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 114, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Albright, Cosby, and Hettinger:

H. J. R. 117. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That House Bill 21, Act No. 83-576 of the 1983 Regular Session, which Act exempts diesel fuel used by agricultural equipment from sales tax, is hereby named the "Hall-Mitchem Act".

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 117, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 10

S. J. R. 14

S. J. R. 18

S. J. R. 19

S. J. R. 20

S. J. R. 21

S. J. R. 22

S. J. R. 33

S. J. R. 34

S. J. R. 35

S. J. R. 40

S. J. R. 38

Delivered to the Governor, December 13, 1983, at 2:20 P.M.

S. 1

Delivered to the Governor, December 13, 1983, at 2:45 P.M.

McDOWELL LEE,  
Secretary.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 5:25 P.M., on motion of Senator Teague, the Senate adjourned until Wednesday, December 14, 1983, at 11 o'clock A.M.

**EIGHTH LEGISLATIVE DAY**  
**WEDNESDAY, DECEMBER 14, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Lawson Bryan, Minister, Dexter Avenue United Methodist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Corbett	Figures	Menton
Aldridge	Covington	Foshee	Mitchem
Amari	deGraffenried	Goodwin	Parsons
Barron	Denton	Hand	Sanders
Bedsole	Dial	Hilliard	Smith (J)
Bennett	Dixon	Langford	Strong
Bishop	Ellis	Little	Teague
Cooley			

—28

**JOURNAL**

On motion of Senator Goodwin, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE**  
**ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Goodwin, leave of absence was granted Senators Bailey, Bedford, Cabaniss, Drinkard, Holmes, Pearson, and Smith (B) for today.

**CALENDAR BILLS INDEFINITELY POSTPONED**

On motion of Senator Little, further consideration of all Senate Bills remaining on the Calendar was indefinitely postponed.

**REPORTS OF COMMITTEES**

Senator Mitchem, Chairperson of the Standing Committee on Finance

and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Coburn, Johnson (Roy), Holley, and Moore:

H. 26 To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2 and 40-20-8, so as to provide for a definition of "submerged lands", "offshore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 25 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; to repeal conflicting laws; provide certain taxing limits on local government entities; and provide for an effective date.

Senator Aldridge, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Biddle, Carothers, Flowers, Pratt, White (L), Johnson (RG), Mikell, and Butler:

H. 3. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and or amphetamine like anorectic drug or compound and or any sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Res-



olutions, your signature thereto is requested.

H. J. R. 6. COMMENDING MISS REGINA M. QUICK FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 7. COMMENDING MISS SHERON J. ROSE FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 8. COMMENDING MISS ALICE MARSHALL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 33. COMMENDING MR. AND MRS. JOHN THRASH ON THEIR 70TH WEDDING ANNIVERSARY.

Also:

H. J. R. 34. COMMENDING MR. AND MRS. HOMER McCAULEY ON THEIR 64TH WEDDING ANNIVERSARY.

Also:

H. J. R. 40. CONGRATULATING MR. AND MRS. CLARENCE ALLEN BARKLEY OF SWEET WATER, ALABAMA, ON THE OCCASION OF THEIR 65TH WEDDING ANNIVERSARY.

Also:

H. J. R. 42. COMMENDING JEFFREY EVERS, CHICKASAW, ALABAMA.

Also:

H. J. R. 43. COMMENDING MR. AND MRS. COLEMAN COMBS ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 44. COMMENDING MR. AND MRS. W. E. HATLEY ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 45. CONGRATULATING MR. FLOYD PRADY ON HIS RETIREMENT.

Also:

H. J. R. 48. COMMENDING MR. AND MRS. PEARLIE HOLLAND ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 51. COMMENDING OUR COLLEAGUE, REPRESENTATIVE BETH MARIETTA, OF THEODORE, ALABAMA.

Also:

H. J. R. 53. EXTENDING THE COST AND EXPENSE ALLOW-

## ANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

Also:

H. J. R. 54. HONORING MR. BILL PIKE FOR HIS MANY YEARS OF SERVICE WITH THE CENTER POINT FIRE DEPARTMENT.

Also:

H. J. R. 55. COMMENDING MR. CARL BOSECK.

Also:

H. J. R. 57. COMMENDING TRI-GLASS INDUSTRIES OF DALEVILLE, ALABAMA'S FASTEST GROWING COMPANY.

Also:

H. J. R. 105. COMMENDING MR. RYAN deGRAFFENRIED JR., OF TUSCALOOSA AS LEGISLATOR OF THE YEAR.

Also:

H. J. R. 106. COMMENDING MR. RICK MANLEY OF DEMOPOLIS AS LEGISLATOR OF THE YEAR.

Also:

H. J. R. 107. MOURNING THE TRAGIC DEATH OF CORPORAL HENRY "BEN" TOWNSEND, JR.

Also:

H. J. R. 108. COMMENDING FORMER REPRESENTATIVE PHIL KELLEY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 109. COMMENDING FORMER REPRESENTATIVE DAVID STOUT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**RESOLUTION**

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 54. STATING AND CLARIFYING LEGISLATIVE INTENT AND RECOMMENDING ACTION TO THE UNIVERSITY OF SOUTH ALABAMA BOARD OF TRUSTEES AND FOUNDATION.

WHEREAS, the Legislature of the State of Alabama is and has been faced with a serious problem involving a creature of the Legislature, that being the University of South Alabama, and its claims to ownership of cer-

tain "tide lands" previously owned by the State of Alabama, and

WHEREAS, the Legislature of the State of Alabama, both houses concurring, feel that the sense of the Legislature should be expressed to the University of South Alabama, its board of trustees, and the University of South Alabama Foundation and its directors and/or trustees, along with the general public of the State of Alabama, and,

WHEREAS, the Legislature of the State of Alabama, both houses concurring, does hereby find and determine that the following facts;

The University of South Alabama is a public educational institution established and created by the Legislature of the State of Alabama, pursuant to the provisions of Acts 1963, 2nd Ex. Sess., No. 157 P. 350 (section 16-55-1, et seq., Code of Alabama, (1975)). It is principally supported by public funds appropriated by said Legislature. As such the University of South Alabama is a creature of the Legislature of the State of Alabama.

A. In approximately July, 1972, officials at the University of South Alabama (hereinafter referred to as the "University") approached officials of the Department of Conservation, of the State of Alabama, with regard to certain claims which the University wished to assert relating to a defunct ship channel across a small portion of Mobile Bay, commonly known as "Grant's Pass." The University claimed to own the land on the bottom of Mobile Bay, across which "Grant's Pass" once ran. Although this defunct channel known as "Grant's Pass" consisted of no more than five acres of land, the University claimed ownership of a total of 15,457 acres of "tide lands" beneath Mobile Bay.

B. By virtue of congressional action and decisions of the United States Supreme Court, the various states have historically owned lands beneath their navigable waters, and thus the State of Alabama owns the lands (tide lands) lying beneath Mobile Bay.

C. The circumstances out of which the University asserts ownership to the lands referred to as "Grant's Pass" is as follows:

In 1839 the Legislature of Alabama adopted Act No. 109, granting to one John Grant a franchise (license) to enter upon and take possession of sufficient tide lands as might be necessary to cut or excavate a channel of sufficient depth and width to afford good and safe passage for steamboats and other vessels in trade between Mobile Bay and other places on the Gulf of Mexico. This Act gave Grant the right to collect certain specified tolls on boats traveling through the channel. The franchise was for a period of 25 years during which Grant had exclusive rights and privileges of constructing and operating the channel, as described. The University alleges that following Grant's death in 1887, all of his property, including his interest in "Grant's Pass" was ordered sold by the probate court of Mobile County. It is alleged that this interest in Grant's Pass was thereafter conveyed by Meane Conveyances until it was acquired by the University of South Alabama in 1974. This is contended even though John Grant never held title to this property nor was title ever claimed in or by John Grant. It is the University's further contention that John Grant and his successors possessed "Grant's Pass" adversely, so the University is now the owner of the channel, in fee simple, by virtue of adverse possession.

D. The director of the State Lands Division, Department of Conservation, concluded that the evidence relied upon to establish adverse possession of Grant's Pass, by John Grant and successors in interest, was insubstantial, and the claim was without merit. Further, the director of State

Lands concluded that even if there were some arguable evidence to support the claim that Grant and his successors had acquired ownership rights of Grant's Pass by adverse possession, that the area comprised not more than 50 acres; that there was no creditable evidence whatsoever that Grant had ever claimed to own 15,457 acres of tide lands beneath Mobile Bay; and that the University of South Alabama's claim to own such acreage as the successor in interest to John Grant, bordered upon being frivolous. The opinion and recommendation of director of State Lands, in this respect, were communicated to the University of South Alabama, to the former Governor of this State, and to the Attorney General of this State.

E. That on or about December 13, 1982, Attorney General Graddick transmitted to the then Governor an opinion stating that "proof of adverse possession under color of title has been made to the satisfaction of the Attorney General. . . ." The tract of land described in this opinion consisted of 7,664 acres. It appears to the Legislature that there could be no apparent justification for finding adverse possession under color of title to only one half of the claimed 15,457 acres as opposed to the full tract claim. It also appears to the Legislature to be an impossibility for Grant's Pass which was apparently less than 50 acres in size to have been expanded into a claim to 7,664 acres or 15,457 acres. On the same date, that then Governor issued a patent granting the said 7,664 acres tract to the University, against the advice of the State Lands Division of the Department of Conservation.

F. On February 16, 1983, the University filed its complaint in the Circuit Court of Mobile County, Alabama, against the Commissioner of Conservation and the Director of State Lands seeking a declaratory judgement and a bill to quiet title, establishing its title to the aforesaid tide lands beneath Mobile Bay. The officials of the Conservation Department, joined by Governor George C. Wallace, as intervenor, filed their counterclaim for declaratory judgement to set aside the aforesaid patent to the University, upon the grounds, *inter alia*, that as a matter of law the State of Alabama had not lost title to the said lands; that the conveyance of the lands for no consideration is illegal and void; that the conveyance of the land was arbitrary, capricious and without any legal permissible basis; that under no reasonable construction of the applicable facts can it be legitimately concluded that the State had lost title by adverse possession of the said tide lands; that the conveyance of the land to the University of South Alabama constituted an abuse of official discretion by the then Governor and the Attorney General; and that unless the conveyance is set aside, the State of Alabama and its citizens will be deprived of the use and benefit of this property, including the potentially large revenues from the exploration and production of oil, gas and other natural resources, and that the same will be diverted to the use of a single institution, in Mobile County, serving a relatively minor portion of the citizens of the State of Alabama. The original lawsuit was transferred to the Circuit Court of Montgomery County, Alabama, where it is still pending. Since commencing this original action, the University has filed two additional lawsuits in federal court attempting to validate the patent. The University thus is proceeding with three different items of litigation, incurring three different sets of attorneys' fees and, in fact, has secured representation of Honorable Griffin Bell former Attorney General of the United States, whose law firm and law practice is not normally in the State of Alabama. All of this at a tremendous expense to the citizens of the State of Alabama.

G. The 7,664 acres of submerged tide lands deeded to the University lies within the lower Mobile Bay gas field. Experts in oil and gas exploration have estimated that the lower Mobile Bay gas field contains at least

600,000,000,000 cubic feet of natural gas. If only a 10 percent fraction of that gas lies under the lands allegedly given to the University of South Alabama, it could have a potential value in excess of \$300,000,000. During 1981 major oil companies leased from the State of Alabama the right to explore for oil and natural gas in parts of lower Mobile Bay, Mississippi Sound, and the Gulf of Mexico. Pursuant to competitive lease bids, these companies paid the State of Alabama approximately \$450,000,000 plus guaranteed royalty interest of not less than 25 percent, on future production. All of the land producing these revenues lies within a 12 miles radius of the lands allegedly given to the University of South Alabama. The lands allegedly given to the University of South Alabama constitute what has been described as the most valuable potential oil and gas area still unleased with Alabama waters.

H. On July 11, 1983, while the aforesaid action was still pending, the University executed a deed, attempting to convey the subject property to a corporation known as the "University of South Alabama Foundation" (hereinafter referred to as the "Foundation"). The articles of incorporation of the Foundation, recorded in the Office of the Judge of Probate of Mobile County, Alabama, require that the board of directors of the foundation shall consist of the President of the University, the Vice Chairman of the University's board of trustees, and three members of the University's board of trustees. The corporate purpose reflects that the reason for the existence of the Foundation is to provide financial support and other benefits for the University of South Alabama. The articles of incorporation further provide that the Foundation is prohibited from adopting or carrying out any policy or principle in the administration of the Foundation which shall be deemed undesirable by the President of the University of South Alabama. The deed of July 11, 1983, by which the University deeded to the Foundation, its claim to the subject property, recites that the conveyance to use the net returns from the land for the general benefit of the University of South Alabama.

I. The Legislature acknowledges that it is not within the province of the Legislature, but instead within the province of the judiciary only, to resolve the legal questions presented by the foregoing circumstances. However, the Legislature has determined that it is the duty and responsibility of the Legislature to establish policies and to take action, pursuant to which taxpayers' funds are to be allocated, and to determine the amounts of public funds to be provided to various state educational institutions, based upon their need and other circumstances. The Legislature also finds that it is the duty and responsibility of the Legislature to manage and supervise all state entities within its control in a fashion to best benefit the state and its citizens as a whole, and

WHEREAS, the Legislature deems that it is ultimately responsible to all of the citizens of the State of Alabama to ensure reasonable, responsible, fair, and equitable management of all state resources for the purpose of meeting all of the Legislature's responsibilities to the entire state and all of its citizens,

NOW, THEREFORE, based upon these facts and considerations, and for other related considerations,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we find and instruct as follows;

1. That the University of South Alabama is a creature of the Legislature of the State of Alabama and as such is responsible to the Legislature in

all respects, including both its board of trustees, and the University of South Alabama Foundation.

2. That the tide lands of the State of Alabama cannot be adversely possessed and that no person, firm, or corporation can gain title to said lands by adverse possession.

3. That the tide lands of the State of Alabama belong exclusively to all citizens of the State of Alabama.

4. That the actions of the University of South Alabama through its board of trustees and through its University of South Alabama Foundation board of directors, in refusing to transfer subject property back to the State of Alabama, is an irresponsible and improper action and, future failures to act responsibly in this regard will be considered as an insult to the legislative and executive branches of state government.

5. That the actions of the administration and board of trustees of the University of South Alabama has had and is having a divisive effect on the State of Alabama and is causing unnecessary conflict among citizens and areas of this state.

6. That the actions of the University of South Alabama's administration and board of trustees is unreasonably costing the taxpayers of this state tremendous amounts of attorneys' fees and litigation expenses which the state can ill-afford in normal economic times much less in times when so many individuals of this state are suffering as a result of poor economic conditions.

7. That if, in fact, the subject lands are valuable to the extent estimated by the experts, that the profits and proceeds from these tide lands should be used by the Legislature of the State of Alabama to solve financial problems of this state through all parts of the state and to many different state entities, including education, highways, medicaid, mental health, corrections, pensions and security, and many other legitimate state purposes.

8. That the use of these funds by the Legislature, to meet needs of the entire state will likely avoid the necessity of additional taxes being placed upon the citizens of this state.

9. The intent of this Legislature is clearly expressed by the passage of S.B. 1, which was, among other things intended to be an expression of the "sense of the Legislature" on this point.

10. That no creature of state government should nor will be allowed to act independently and in opposition to the wishes of the Legislature of the State of Alabama.

11. That the Legislature directs and instructs the University of South Alabama, its administration, its board of trustees, and the board of directors of the University of South Alabama to immediately and without further delay take all actions which might be required, to transfer any and all title and claims to title which they may hold, or claim to hold, back to the State of Alabama, and to end all of this unreasonable and unnecessary litigation expense and divisiveness which this matter has caused.

BE IT FURTHER RESOLVED, That the Legislature of the State of Alabama will consider it as an extreme act of irresponsibility and an affront to both the legislative and executive branches of government if immediate action is not taken to carry out the obvious wishes of the Legislature with regard to these problems and the Legislature will closely review this matter

at the next session of the Legislature or the next general session of the Legislature and will take whatever action it deems appropriate at such time, should the University of South Alabama, its administration, trustees, and the board of directors of the University of South Alabama Foundation fail to act responsively to these instructions herein contained.

Which was read and referred to the Standing Committee on Rules.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 8. TO AMEND AND REENACT ACT NO. 79-43, HJR 19 OF THE FIRST SPECIAL SESSION 1979 (ACTS 1979, PAGE 61) WHICH RELATES TO THE CREATION OF A CONTINUING JOINT COMMITTEE ON AGRICULTURE, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED ANNUAL EXPENDITURES OF THE COMMITTEE.

Also:

S. J. R. 44. ENDORSING THE PROCLAMATION OF JANUARY 1984 AS MEDICAL EYE MONTH.

Also:

S. J. R. 45. COMMENDING MR. BARNEY WEEKS UPON HIS RETIREMENT AS PRESIDENT OF THE ALABAMA LABOR COUNCIL, AFL-CIO.

CHARLES BISHOP,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **RESOLUTION**

Senator Aldridge offered the following Senate Joint Resolution, to-wit:

S. J. R. 55. COMMENDING CRIMSON TIDER, KERRY GOODE, TOP SEC ROOKIE OF THE YEAR.

WHEREAS, the Alabama Legislature extends heartiest congratulations to Crimson Tide tailback Kerry Goode on his selection as the Southeastern Conference Rookie of the year by vote of a panel of sports writers from all seven SEC states; and

WHEREAS, the '83 season for Alabama's freshman back came in like a lamb but ended in a roar of 692 yards on 103 carries, a record convincing enough for nine of 14 first place votes from the writers polled; and

WHEREAS, Kerry Goode, who is from Town Creek, Alabama, came to

the University of Alabama as a varsity standout from Lawrence County's Hazlewood High; and

WHEREAS, Kerry Goode is another outstanding student athlete in a long line of young men who have distinguished themselves on the gridiron for the Alabama Crimson Tide, and who have contributed to the University of Alabama being universally recognized as a perennial football power; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Alabama's Kerry Goode as the SEC Rookie of the Year; we further congratulate him on his outstanding freshman performance for the Crimson Tide and direct that he receive a copy of this resolution in token of our sincere regard and in expression of our warm best wishes for a sensational sophomore season.

Which was read and referred to the Standing Committee on Rules.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. H. Grady Jacobs to the Board of Trustees of the University of North Alabama.

On motion of Senator Denton, the appointment of Mr. Jacobs was confirmed by the Senate.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Cooley	Ellis	Mitchem
Aldridge	Covington	Hand	Parsons
Amari	deGraffenried	Langford	Smith (J)
Bedsole	Denton	Little	Strong
Bennett	Dial	Menton	Teague
Bishop	Dixon		

—21

*Nays:*

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. R. Lonnie Flippo to the Board of Trustees of the University of North Alabama.

On motion of Senator Denton, the appointment of Mr. Flippo was confirmed by the Senate.

Yeas 22; Nays 0.

*Yeas:*

Senators:	Bennett	Covington	Ellis
Aldridge	Bishop	deGraffenried	Figures
Amari	Cooley	Denton	Foshee
Bedsole	Corbett	Dial	Hand



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Little	Mitchem	Smith (J)	Teague	
Menton	Parsons	Strong		—22
<i>Nays:</i>				—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Mary Ella Potts to the Board of Trustees of the University of North Alabama.

On motion of Senator Denton, the appointment of Mrs. Potts was confirmed by the Senate.

Yeas 24; Nays 0.

*Yeas:*

Senators:	Corbett	Ellis	Mitchem	
Aldridge	Covington	Foshee	Parsons	
Amari	deGraffenried	Hand	Sanders	
Bedsole	Denton	Langford	Smith (J)	
Bennett	Dial	Little	Strong	
Bishop	Dixon	Menton	Teague	
Cooley				—24

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Robert E. Kelley to the Board of Trustees of Troy State University.

On motion of Senator Parsons, the appointment of Mr. Kelley was confirmed by the Senate.

Yeas 22; Nays 0.

*Yeas:*

Senators:	Cooley	Ellis	Mitchem	
Aldridge	Corbett	Foshee	Parsons	
Amari	Covington	Hand	Sanders	
Bedsole	deGraffenried	Langford	Smith (J)	
Bennett	Dial	Little	Strong	
Bishop	Dixon	Menton		—22

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. C. J. Hartley to the Board of Trustees of Troy State University.

On motion of Senator Parsons, the appointment of Mr. Hartley was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Amari	Covington	Hand	Parsons	
Bedsole	deGraffenried	Langford	Sanders	
Bennett	Denton	Little	Smith (J)	
Bishop	Dixon	Menton	Strong	
Cooley	Ellis			—21

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Eileen Mann to the Board of Pensions and Security.

On motion of Senator Parsons, the appointment of Mrs. Mann was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	Cooley	Dixon	Little	
Amari	Corbett	Ellis	Mitchem	
Bedsole	Covington	Foshee	Parsons	
Bennett	deGraffenried	Hand	Smith (J)	
Bishop	Denton	Langford	Strong	—19

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Carolyn Casey to the Board of Pensions and Security.

On motion of Senator Parsons, the appointment of Mrs. Casey was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	Cooley	Dixon	Little	
Amari	Corbett	Ellis	Mitchem	
Bedsole	Covington	Foshee	Parsons	
Bennett	deGraffenried	Hand	Smith (J)	
Bishop	Denton	Langford	Strong	—19

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Tom Radney to the Board of Trustees of Tus-

kegee Institute.

On motion of Senator Little, the appointment of Mrs. Radney was confirmed by the Senate.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Cooley	Ellis	Little
Aldridge	Corbett	Foshee	Menton
Amari	Covington	Goodwin	Mitchem
Bedsole	deGraffenried	Hand	Smith (J)
Bennett	Denton	Langford	Strong
Bishop	Dixon		

—21

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Wallace Malone, Jr. to the Board of Trustees of Troy State University.

On motion of Senator Parsons, the appointment of Mr. Malone was confirmed by the Senate.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Corbett	Goodwin	Mitchem
Aldridge	Covington	Hand	Parsons
Amari	deGraffenried	Langford	Smith (J)
Bennett	Denton	Little	Strong
Bishop	Dial	Menton	Teague
Cooley	Ellis		

—21

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 55. COMMENDING CRIMSON TIDER, KERRY GOODE, TOP SEC ROOKIE OF THE YEAR.

On motion of Senator Aldridge, the Resolution was then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 52. REQUESTING THE JEFFERSON COUNTY COMMISSION TO PROVIDE ALL POSSIBLE ASSISTANCE IN RE-OPENING THE MORGAN ROAD BRIDGE.

On motion of Senator Amari, the Resolution was then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. R. 51. COMMENDING THE ERWIN HIGH SCHOOL VARSITY CHEERLEADERS.**

On motion of Senator Amari, the Resolution was then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 96. MOURNING THE DEATH OF MRS. CORNELIA McDUFFIE TURNER OF MOBILE, ALABAMA.**

Also:

**H. J. R. 90. COMMENDING FORMER REPRESENTATIVE ROBERT C. GAFFORD FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.**

Also:

**H. J. R. 93. COMMENDING MR. AND MRS. JAMES ALLEN JOHNSON ON THEIR 50TH WEDDING ANNIVERSARY.**

Also:

**H. J. R. 94. COMMENDING MR. AND MRS. RUFUS WHITE OF POLLARD, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.**

Also:

**H. J. R. 89. COMMENDING FORMER REPRESENTATIVE JARUSHIA THORNTON FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.**

Also:

**H. J. R. 100. RECOGNIZING DECEMBER 7, AS PEARL HARBOR DAY.**

Also:

**H. J. R. 86. COMMENDING FORMER REPRESENTATIVE J. T. WAGGONER FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.**

Also:

**H. J. R. 87. COMMENDING FORMER REPRESENTATIVE DON MURPHY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.**

Also:

**H. J. R. 88. COMMENDING FORMER REPRESENTATIVE VAN SCOTT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.**

On motion of Senator Parsons, the Resolutions were then concurred in

and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 53. COMMENDING THE AMERICAN RED CROSS FOR ASSISTANCE TO DISASTER VICTIMS IN ALABAMA.

Also:

S. R. 32. COMMENDING MR. BILL RUSHTON FOR HIS RECENT EFFORTS IN SECURING A WATER GRANT FOR PINEY RIDGE AND ELKMONT IN LIMESTONE COUNTY.

Also:

S. R. 31. COMMENDING MRS. SUE MCINNISH OF THE STATE PARENT TEACHERS ASSOCIATION.

Also:

S. R. 25. COMMENDING GOVERNOR GEORGE C. WALLACE FOR HIS SUPPORT OF AND INSTRUMENTAL EFFORTS ON BEHALF OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

Also:

S. R. 30. COMMENDING REPRESENTATIVE TOM COBURN FOR HIS SUPPORT OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

Also:

S. R. 29. COMMENDING HOUSE SPEAKER TOM DRAKE FOR HIS SUPPORT OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

Also:

S. R. 26. COMMENDING MR. ELVIN STANTON FOR HIS SUPPORTIVE EFFORT ON BEHALF OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

Also:

S. R. 27. COMMENDING MR. FERRELL PATRICK FOR HIS SUPPORTIVE EFFORT ON BEHALF OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

Also:

S. R. 28. COMMENDING MR. BILLY JOE CAMP FOR HIS SUPPORTIVE EFFORT ON BEHALF OF THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

Also:

S. R. 46. COMMENDING MR. LEROY A. SIMMS, HUNTSVILLE 1983 DISTINGUISHED CITIZEN.

Also:

S. R. 50. MOURNING THE DEATH OF MARINE CORPORAL SHANNON D. BIDDLE.

Also:

S. R. 49. COMMENDING MR. AND MRS. RONNIE JONES, OF MENTONE, ALABAMA UPON THEIR SELECTION AS "OUTSTANDING YOUNG FARM FAMILY OF 1983".

On motion of Senator Parsons, the Resolutions were then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 117. NAMING HOUSE BILL 21, ACT NO. 83-576 THE "HALL-MITCHEM ACT".

Also:

H. J. R. 111. COMMENDING THE ESCAMBIA COUNTY HIGH SCHOOL BLUE DEVILS, STATE 3A FOOTBALL CHAMPIONS.

Also:

H. J. R. 112. COMMENDING THE REVEREND PETER JAMES KIRKSEY OF GREENE COUNTY, ALABAMA.

Also:

H. J. R. 114. DESIGNATING TUSCALOOSA, ALABAMA, AS THE OFFICIAL SITE OF THE ANNUAL ALABAMA STATE FIDDLE CHAMPIONSHIPS AND BLUE GRASS FESTIVAL.

Also:

H. J. R. 130. RELATING TO THE BINDING OF THE ACTS AND JOURNALS.

Also:

H. J. R. 126. COMMENDING THE REVEREND HAROLD G. HERMETZ OF SAINT PAUL'S LUTHERAN CHURCH, CULLMAN, ALABAMA, FOR 25 YEARS OF OUTSTANDING SERVICE TO THE LUTHERAN MINISTRY.

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 54. STATING AND CLARIFYING LEGISLATIVE INTENT AND RECOMMENDING ACTION TO THE UNIVERSITY OF SOUTH ALABAMA BOARD OF TRUSTEES AND FOUNDATION.

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

On motion of Senator Bedsole, the Senate reconsidered the vote by which the Resolution, S. J. R. 54, was adopted.

On motion of Senator Denton, the Resolution was again adopted by the Senate.

### REPORT FROM RULES

Senator Parsons, Vice-Chairman of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 75. CLARIFYING THE LEGISLATIVE INTENT WITH RESPECT TO THE DISTRIBUTION FORMULA FOR SEVERANCE TAX IN SECTION 40-20-8, CODE OF ALABAMA 1975.

On motion of Senator Parsons, the Resolution was then concurred in and adopted by the Senate.

### RESOLUTIONS

Senators Dial, Goodwin, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 56. COMMENDING BOBBY ALLISON.

WHEREAS, Bobby Allison, longtime resident of Hueytown, Alabama, on November 20th claimed the Winston Cup Grand National Championship, the most prestigious title in all of auto racing; and

WHEREAS, Mr. Allison claimed the title by defeating rival Darrell Waltrip, two-time defending champion from neighboring Tennessee, in the last race of the season; and

WHEREAS, this "Allison Boy" has won over \$600,000 during the 30-race season, and stands to gain nearly \$750,000 more in cash and benefits from the national championship; and

WHEREAS, he is now third, behind Richard Petty and David Pearson, on NASCAR's all-time win list with 79 victories, including six this year; and

WHEREAS, Bobby Allison was recently chosen by the Alabama Sports Hall of Fame for induction in 1984, the first race driver to be so honored; and

WHEREAS, Bobby, along with brother Donny Allison, and close friend Neil Bonnet, have become known as the "Alabama Gang" in racing circles, giving the state favorable publicity nationwide; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mr. Bobby Allison on his grant achievement and outstanding career.

BE IT FURTHER RESOLVED, That Mr. Bobby Allison receive a copy of this resolution so that he may know of our high esteem.

On motion of Senator Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Mitchem offered the following Senate Resolution, to-wit:

S. R. 57. COMMENDING MR. JOHN JACKSON QUINN OF ALBERTVILLE, ALABAMA.

WHEREAS, the Alabama Senate notes with highest commendation the distinguished service of Mr. John Jackson Quinn with the Marshall County Gas District from 1957 until retirement on December 1, 1983; and

WHEREAS, Mr. Quinn, who is a resident of Albertville, also served as

the first president of the Alabama Natural Gas Association; he has been a member as well of various industrial committees of cities in Marshall County, served as a member of the State Industrial Advisory Group, and as representative of the natural gas industry to the State Department of Energy; and

WHEREAS, since 1959, Mr. Quinn has been a member of the North Broad Street Church of Christ in Albertville and has rendered outstanding community service in numerous other areas of civic concern; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That in highest praise and gratitude for extraordinary service to his county and state, we hereby most highly commend Mr. John Jackson Quinn of Albertville, Alabama.

BE IT FURTHER RESOLVED, That Mr. Quinn receive a copy of this resolution in token of our sincere regard, and that he and his family may know of our warmest best wishes for his every continuing success and happiness in retirement.

Which was read and referred to the Standing Committee on Rules.

**ADJOURNMENT**

At 1:15 P.M., on motion of Senator Denton, the Senate adjourned until Thursday, December 15, 1983, at 9:45 A.M.



NINTH LEGISLATIVE DAY  
THURSDAY, DECEMBER 15, 1983

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Steve Brunson, Associate Pastor, Evangel Temple, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cooley	Ellis	Little
Aldridge	Corbett	Figures	Menton
Amari	Covington	Foshee	Mitchem
Barron	deGraffenried	Goodwin	Parsons
Bedsole	Denton	Hand	Sanders
Bennett	Dial	Hilliard	Smith (J)
Bishop	Dixon	Holmes	Strong
Cabaniss	Drinkard	Langford	Teague

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JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senators Bailey, Bedford, Pearson, and Smith (B) for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 75. CLARIFYING THE LEGISLATIVE INTENT WITH RESPECT TO THE DISTRIBUTION FORMULA FOR SEVERANCE TAX IN SECTION 40-20-8, CODE OF ALABAMA 1975.

Also:

H. J. R. 86. COMMENDING FORMER REPRESENTATIVE J. T. WAGGONER FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 87. COMMENDING FORMER REPRESENTATIVE DON MURPHY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 88. COMMENDING FORMER REPRESENTATIVE VAN SCOTT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 89. COMMENDING FORMER REPRESENTATIVE JARUSHIA THORNTON FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 90. COMMENDING FORMER REPRESENTATIVE ROBERT C. GAFFORD FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 93. COMMENDING MR. AND MRS. JAMES ALLEN JOHNSON ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 94. COMMENDING MR. AND MRS. RUFUS WHITE OF POLLARD, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 96. MOURNING THE DEATH OF MRS. CORNELIA McDUFFIE TURNER OF MOBILE, ALABAMA.

Also:

H. J. R. 100. RECOGNIZING DECEMBER 7, AS PEARL HARBOR DAY.

Also:

H. J. R. 111. COMMENDING THE ESCAMBIA COUNTY HIGH SCHOOL BLUE DEVILS, STATE 3A FOOTBALL CHAMPIONS.

Also:

H. J. R. 112. COMMENDING THE REVEREND PETER JAMES KIRKSEY OF GREENE COUNTY, ALABAMA.

Also:

H. J. R. 114. DESIGNATING TUSCALOOSA, ALABAMA, AS THE OFFICIAL SITE OF THE ANNUAL ALABAMA STATE FIDDLE CHAMPIONSHIPS AND BLUE GRASS FESTIVAL.

Also:

H. J. R. 117. NAMING THE HALL-MITCHEM ACT.

Also:

H. J. R. 126. COMMENDING THE REVEREND HAROLD G. HERMETZ OF SAINT PAUL'S LUTHERAN CHURCH, CULLMAN, ALABAMA, FOR 25 YEARS OF OUTSTANDING SERVICE TO THE LUTHERAN MINISTRY.

Also:

H. J. R. 130. RELATING TO THE BINDING OF THE ACTS AND JOURNALS.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

By Rep. Johnson (Roy):

H. 13. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Reps. Bowling, Venable and Johnson (Roy).

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Teague, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H.B. 13, the title of which is set out in the foregoing Message from the House.

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Foshee	Menton
Aldridge	deGraffenried	Goodwin	Mitchem
Bedsole	Denton	Hand	Smith (J)
Bishop	Dial	Langford	Strong
Cabaniss	Ellis	Little	Teague
Cooley			

—20

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Senators Teague, Goodwin, and

deGraffenried.

### RESOLUTION

Senators Aldridge, Cooley, and Denton offered the following Senate Joint Resolution, to-wit:

**S. J. R. 58. URGING THE INTERSTATE COMMERCE COMMISSION TO GRANT CSX CORPORATION AUTHORITY TO OPERATE BARGE LINES.**

WHEREAS, CSX Corporation through its rail and truck line subsidiaries, Chessie and Seaboard System Railroads and CMX Trucking lines now offers intermodal rail-truck service; and

WHEREAS, CSX Corporation has filed an application with the Interstate Commerce Commission for control of American Commercial Lines, whose subsidiary, American Commercial Barge Lines, Inc., is a major water carrier operating on 7,500 miles of the Mississippi River and Gulf Intercoastal Waterway systems; and

WHEREAS, If said application is approved by the Interstate Commerce Commission, CSX Corporation has plans to build a major barge terminal on the Tennessee River in Alabama offering its shippers essentially a full range of transportation services; and

WHEREAS, transportation in Alabama as well as all of the southeastern and central states of the United States of America will be greatly enhanced by approval of the said application by CSX Corporation; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we, as elected representatives and spokesmen of the people of Alabama do hereby urge the Interstate Commerce Commission to approve the application of CSX Corporation to operate barge lines so that an efficient, full range of transportation facilities may be provided by CSX Corporation to this state.

**BE IT FURTHER RESOLVED,** That we hereby urge the Governor to get behind the movement to encourage the Interstate Commerce Commission to approve the application of CSX Corporation so that CSX may operate barge lines and port facilities in this state and thereby connect transportation on the Tennessee-Tombigbee and other waterways of Alabama with the Ohio, the Mississippi and other river systems serving the industrial and agricultural heartland of this nation.

**BE IT FURTHER RESOLVED,** That copies of this Resolution be sent to the Secretary of the Interstate Commerce Commission at the address of 12th Street and Constitution Avenue, N. W., Washington, D. C. 20423.

**BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to Governor George C. Wallace.

Which was read and referred to the Standing Committee on Rules.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable re-

port, to-wit:

S. R. 57. COMMENDING MR. JOHN JACKSON QUINN OF ALBERTVILLE, ALABAMA.

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 59. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the ninth legislative day of the 1983 fourth special session only:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 26	Oil and Gas	suppl.
H. B. 3	Drugs	suppl.

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

### SPECIAL ORDER

#### BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 26. To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2 and 40-20-8, so as to provide for a definition of "submerged lands", "offshore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 25 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; to repeal conflicting laws; provide certain taxing limits on local government entities; and provide for an effective date.

Senator Cabaniss offered the following amendment to the Bill, H.B. 26, to-wit:

#### AMENDMENT TO H. B. 26

On page 4, in Section 2, lines 4 and 5, delete the following language:

levied upon production other than offshore production as defined in Section 40-20-1

On page 4, in Section 2, lines 5 through 7, delete the following language:

Said limitation herein imposed upon counties, cities, towns and municipalities shall remain in full force and effect in regard to offshore production as defined in Section 40-20-1.

On page 4, in Section 2, lines 12 through 14, delete the following language:

Provided, however, no such taxes or licenses shall be levied on offshore

drilling or production facilities as defined in Section 40-20-1.

On motion of Senator Goodwin, said amendment was laid on the table.

Senator Hand offered the following amendment to the Bill, H.B. 26, to-wit:

#### AMENDMENT TO H. B. 26

On page 4, in Section 3, line 30, after the period, insert the following language:

In Baldwin County, the distribution of said remaining ten percent of such net amount shall be as follows:

(i) 5% shall be allocated and distributed to Faulkner State Junior College;

(ii) 25% shall be allocated and distributed to each municipality in the county on a per capita basis;

(iii) 25% shall be allocated and distributed to the Baldwin County Board of Education;

(iv) 40% shall be allocated and distributed to the county general fund; and

(v) 5% shall be allocated and distributed to the Baldwin County Health Department

On motion of Senator Goodwin, said amendment was laid on the table.

#### RESOLUTION

Senator Mitchem offered the following Senate Resolution, to-wit:

S. R. 60. COMMENDING MR. JOHN JACKSON QUINN OF ALBERTVILLE, ALABAMA.

WHEREAS, the Alabama Senate notes with highest commendation the distinguished service of Mr. John Jackson Quinn with the Marshall County Gas District from 1957 until retirement on December 31, 1983; and

WHEREAS, Mr. Quinn, who is a resident of Albertville, was the first president of the Alabama Natural Gas Association; he has served as a member of various industrial committees of cities in Marshall County, served as a member of the State Industrial Advisory Group, and as representative of the natural gas industry to the State Department of Energy; and

WHEREAS, since 1959, Mr. Quinn has been a member of the North Broad Street Church of Christ in Albertville and has rendered outstanding community service in numerous other areas of civic concern; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That in highest praise and gratitude for extraordinary service to his county and state, we hereby most highly commend Mr. John Jackson Quinn of Albertville, Alabama.

BE IT FURTHER RESOLVED, That Mr. Quinn receive a copy of this resolution in token of our sincere regard, and that he and his family may know of our warmest best wishes for his every continuing success and happiness in retirement.

Which was read and referred to the Standing Committee on Rules.

**FURTHER CONSIDERATION OF H. B. 26**

The Senate proceeded to further consideration of the Bill, H. B. 26.

Senator deGraffenried offered the following amendment to the Bill, H. B. 26, to-wit:

**AMENDMENT TO H. B. 26**

Amend House Bill 26, page 3, Section 2, Subsection (a), line 15, after the word "production" by inserting the following:

; all oil and gas production by wells other than oil and gas produced by offshore production, as defined herein, that come into production after January 1, 1984, shall be taxed at the rate of 6 percent of the gross value of said oil and gas at the point of production for a period of 10 years from the date production first begins.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 10. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

Also:

S. 13. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, bearing compound interest or no interest, computed and payable at such time or times as may be provided, or at a discount equivalent to compound interest, and that this act is declarative of existing law.

JOHN W. PEMBERTON,  
Clerk.

**FURTHER CONSIDERATION OF H. B. 26**

The Senate proceeded to further consideration of the Bill, H. B. 26. The question was on the amendment offered by Senator deGraffenried.

**RESOLUTIONS**

Senators Hilliard and Bennett offered the following Senate Joint Resolution, to-wit:

S. J. R. 61. REQUESTING RECONSIDERATION BY THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY BOARD WITH REGARD TO ITS DECISION OF DECEMBER 13, 1983, TO DISAPPROVE THE IN-VITRO FERTILIZATION PROGRAM FOR BIRMINGHAM'S UNIVERSITY HOSPITALS.

WHEREAS, representatives of University Hospitals appeared before the State Planning and Development Agency Board on December 13, 1983,

requesting approval for the establishment of an in-vitro fertilization program at UAB; and

WHEREAS, it is the concern of this body that the board's denial of the University's request was made without full consideration of all determining circumstance required for an in-depth assessment of the value of such a program for the State of Alabama; and

WHEREAS, aside from such a program's benefit to a tremendous number of Alabama couples in their hopeful efforts to conceive, it is essential that the State Health Planning and Development Agency Board consider the fact that University Hospitals has transcended local and regional bounds and is a nationally renowned medical research, teaching and treatment center which cannot afford a backward step in advancement in medical technique and procedure; and

WHEREAS, the cost of implementing the requested in-vitro fertilization program at UAB is estimated at some \$32,000, a very small price in relation to the anticipated benefits, and a sum that is negligible if Alabama is to continue in national regard as a medical institution second to none; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully urge the State Health Planning and Development Agency Board to reconsider its December 13, 1983, decision which denied UAB's University Hospitals the authority to implement an in-vitro fertilization program to complement the institution's renowned advancements in such areas as cancer and diabetes, in its heart surgery and transplant programs and in all other areas in which UAB has provided national leadership.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the members of the State Health Planning and Development Agency Board that they may address this urgent request of the Legislature at the earliest possible time.

Which was read and referred to the Standing Committee on Rules.

Senators Hilliard and Bennett then offered the following Senate Resolution, to-wit:

**S. R. 62. REQUESTING RECONSIDERATION BY THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY BOARD WITH REGARD TO ITS DECISION OF DECEMBER 13, 1983, TO DISAPPROVE THE IN-VITRO FERTILIZATION PROGRAM FOR BIRMINGHAM'S UNIVERSITY HOSPITALS.**

WHEREAS, representatives of University Hospitals appeared before the State Planning and Development Agency Board on December 13, 1983, requesting approval for the establishment of an in-vitro fertilization program at UAB; and

WHEREAS, it is the concern of this body that the board's denial of the University's request was made without full consideration of all determining circumstance required for an in-depth assessment of the value of such a program for the State of Alabama; and

WHEREAS, aside from such a program's benefit to a tremendous number of Alabama couples in their hopeful efforts to conceive, it is essential that the State Health Planning and Development Agency Board consider the fact that University Hospitals has transcended local and regional



bounds and is a nationally renowned medical research, teaching and treatment center which cannot afford a backward step in advancement in medical technique and procedure; and

WHEREAS, the cost of implementing the requested in-vitro fertilization program at UAB is estimated at some \$32,000, a very small price in relation to the anticipated benefits, and a sum that is negligible if Alabama is to continue in national regard as a medical institution second to none; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we hereby most respectfully urge the State Health Planning and Development Agency Board to reconsider its December 13, 1983, decision which denied UAB's University Hospitals the authority to implement an in-vitro fertilization program to complement the institution's renowned advancements in such areas as cancer and diabetes, in its heart surgery and transplant programs and in all other areas in which UAB has provided national leadership.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the members of the State Health Planning and Development Agency Board that they may address this urgent request of the Legislature at the earliest possible time.

Which was read and referred to the Standing Committee on Rules.

#### FURTHER CONSIDERATION OF H. B. 26

The Senate proceeded to further consideration of the Bill, H. B. 26. The question was on the amendment offered by Senator deGraffenried.

Senator Goodwin moved that said amendment be laid on the table, which motion was lost.

Yeas 12; Nays 13.

*Yeas:*

Senators:	Covington	Foshee	Menton
Bennett	Denton	Goodwin	Smith (J)
Bishop	Ellis	Langford	Teague
Cooley			—12

*Nays:*

Senators:	Cabaniss	Hand	Mitchem
Aldridge	deGraffenried	Holmes	Parsons
Amari	Dial	Little	Strong
Bedsole	Drinkard		—13

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 5. To amend Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama, as amended, which act relates to the power of counties to issue warrants to finance the costs of necessary public buildings, bridges and roads; to authorize each county in the State of Alabama to sell and issue from time to time warrants for the purpose of paying the costs of acquiring (by construction, purchase or otherwise) public facili-

ties which such county is authorized to acquire by laws other than this act; to define public facilities and other particular terms used in the substantive provisions of this act; to authorize the county commission of each county issuing warrants pursuant to the provisions of this act to determine whether such warrants shall be general obligations of such county or limited obligations payable solely from a specified source; to authorize such county commission to determine, within the constraints of this act, the terms and conditions of such warrants; to provide that certain taxes, revenues and other funds may be pledged as additional security for general obligation warrants issued under the provisions of this act; to provide that certain taxes, revenues and other funds may be pledged as the sole source of payment for limited obligation warrants issued under the provisions of this act; to specify the effect and priority of any such pledges; to authorize the issuance of refunding warrants and to specify the nature of the debt that may be refunded thereby; to provide that warrants issued under the provisions of this act shall be legal investments; to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county; to provide that the provisions of this act shall control over inconsistent provisions of other laws; and to provide that the provisions of this act shall be severable.

Also:

S. 3. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

JOHN W. PEMBERTON,  
Clerk.

### FURTHER CONSIDERATION OF H. B. 26

The Senate proceeded to further consideration of the Bill, H. B. 26. The question was on the amendment offered by Senator deGraffenried.

And said amendment was then lost.

Yeas 13; Nays 16.

Yeas:

Senators:	Cabaniss	Figures	Mitchem	
Aldridge	deGraffenried	Hand	Sanders	
Amari	Dial	Holmes	Strong	
Bedsole	Drinkard			—13

Nays:

Senators:	Corbett	Foshee	Menton	
Barron	Covington	Goodwin	Parsons	
Bennett	Denton	Langford	Smith (J)	
Bishop	Ellis	Little	Teague	
Cooley				—16

Senator Menton offered the following amendment to the Bill, H. B. 26, to-wit:

### AMENDMENT TO H. B. 26

On page 4, in Section 3, on line 25, delete the word "Ninety" and insert

in lieu thereof:

Eighty-eight

On page 4, in Section 3, on line 27, after the period, insert the following language:

Two percent of such net amount shall be allocated and distributed to the Alabama State Docks.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 16. Relating to military affairs and civil defense; amending: Section 31-2-8, Code of Alabama 1975, relating to the organization of the state guard; Section 31-2-9, Code of Alabama 1975, pertaining to the separate powers of the governor and adjutant general over the guard separate from federal control; and Section 31-2-10 relating to appropriations for the state guard, so as to change the name from state guard to state defense force and to authorize the governor to call the state defense force into temporary action.

JOHN W. PEMBERTON,  
Clerk.

### FURTHER CONSIDERATION OF H. B. 26

The Senate proceeded to further consideration of the Bill, H. B. 26. The question was on the amendment offered by Senator Menton.

On motion of Senator Teague, said amendment was laid on the table.

And said Bill, H. B. 26, was read a third time at length and passed.

Yeas 26; Nays 1.

Yeas:

Senators:	Corbett	Figures	Mitchem
Aldridge	Covington	Foshee	Parsons
Amari	deGraffenried	Goodwin	Sanders
Barron	Denton	Hand	Smith (J)
Bennett	Dial	Holmes	Strong
Bishop	Drinkard	Langford	Teague
Cananiss	Ellis	Little	

—26

Nay: Senator Bedsole

—1

### RESOLUTIONS

Senator Denton offered the following Senate Resolution, to-wit:

S. R. 63. URGING GOVERNOR GEORGE C. WALLACE TO INCLUDE THE UNIVERSITY OF NORTH ALABAMA AMONG RECIPIENTS OF ANY FUNDS APPROPRIATED FOR ALLOCATION TO STATE INSTITUTIONS OF HIGHER LEARNING FOR THE PURPOSE OF HIGH TECHNOLOGY AND SCIENTIFIC RESEARCH.

WHEREAS, Governor George C. Wallace is considering the appropriation of \$15 million to be allocated to specific state institutions of higher learning for the purpose of high technology and scientific research; and

WHEREAS, the University of Alabama, Auburn University and the University of South Alabama have been named as the state institutions to which said appropriated funds shall be allocated; and

WHEREAS, the University of North Alabama has recently developed an extensive Center for Economic Research, a vastly comprehensive program so consistent with such planned research as to logically command inclusion in any State funds to be allocated for said purpose; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we hereby urge Governor George C. Wallace to include the University of North Alabama among any recipients to be allocated funds for high technology and scientific research, and would further direct that a copy of this resolution be forwarded to the Governor in notification of this urgent request of the Legislature.

Which was read and referred to the Standing Committee on Rules.

Senator Foshee offered the following Senate Resolution, to-wit:

**S. R. 64. HONORING MR. JAMES W. PIPKIN OF ATMORE, ALABAMA, FOR EXTRAORDINARY AND DISTINGUISHED SERVICE.**

WHEREAS, the Alabama Senate notes with highest commendation the extraordinary and distinguished service of Mr. James W. Pipkin to the Regional Alcoholism Council of Escambia, Conecuh, Monroe and Clarke Counties; and

WHEREAS, Mr. Pipkin, a native and lifelong resident of Atmore, Alabama, was a prominent area businessman who, in April 1975, joined the council as referral and information specialist; and

WHEREAS, until 1982, at which time health forced his retirement, Mr. Pipkin devoted untold hours, far and beyond both the call of duty and monetary compensation, to the immense responsibilities demanded of his position; and

WHEREAS, Mr. Pipkin conducted courses in alcoholism education in the public schools, served as an instructor with the DUI Court Referral Programs and also counseled with suffering alcoholics whom he referred for treatment; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we herein express highest commendation of Mr. James W. Pipkin for meritorious service to the Regional Alcoholism Council of Escambia, Conecuh, Monroe and Clarke Counties from 1975-1982.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be presented to Mr. Pipkin at appreciation ceremonies in his honor on December 20, 1983, as an expression of deep gratitude by the Regional Council and a sense of sentiment in which the Alabama Senate wholeheartedly concurs.

Which was read and referred to the Standing Committee on Rules.

Senator Drinkard offered the following Senate Joint Resolution, to-wit:

**S. J. R. 65. COMMEMORATING THE DEATH OF PRESIDENT JOHN FITZGERALD KENNEDY.**

WHEREAS, on November 22, 1963, our nation's beloved president, John Fitzgerald Kennedy, died at the hands of a fiendish assassin and thus our nation was plunged into utter darkness in its grief; and

WHEREAS, today, November 22, 1983, marks the 20th anniversary of this sorrowful date in our history, painfully bringing to mind the grief we shared then, and continue to share, with all our countrymen and, most particularly, with the family of President Kennedy; and

WHEREAS, it is fitting, on this date, that the Alabama Legislature stand with Alabamians and fellow Americans in tribute to the life of John Fitzgerald Kennedy who symbolized the hopes and dreams of a nation, and whose leadership was to the end of peace and progress for those he was chosen to lead; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do herein express great sadness in the death, on November 22, 1963, of President John F. Kennedy and direct that copies of this resolution be forwarded to the Kennedy family who continues in our thoughts and prayers.

Which was read and referred to the Standing Committee on Rules.

Senator Bedsole offered the following Senate Resolution, to-wit:

S. R. 66. REQUESTING THAT ALL OFF-SHORE DRILLING COMPANIES MAKE A CONCERTED EFFORT TO EMPLOY ALABAMIANS IN THEIR OPERATIONS.

WHEREAS, for the first time in history, the field of off-shore drilling has become wide open and it is anticipated that future operations will increase by leaps and bounds; and

WHEREAS, it is the consensus of this body that off-shore drilling companies operating in Mobile Bay and the Gulf of Mexico have a moral obligation to employ Alabamians who comprise the companies' most adjacent and available source of manpower; and

WHEREAS, there are undoubtedly innumerable positions which might well be immediately filled by qualified Alabamians who are actively seeking employment; and

WHEREAS, we would further request that off-shore drilling companies work with the State of Alabama, in mutual cooperation, advising state officials of the education or training, qualifications, skills and experience needed for building and operating refineries and for working on off-shore rigs that Alabama might initiate programs responsive to filling employment needs of the companies; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we hereby most strongly urge the off-shore drilling companies operating in Mobile Bay and the Gulf of Mexico to immediately initiate hiring policies and practices that would result in the employment of Alabama workers in their refineries and off-shore rigs.

BE IT FURTHER RESOLVED, That we again express a sincere desire to work with these companies through the establishment of programs responsive to their needs and in any other possible way.

RESOLVED FURTHER, That copies of this resolution be forwarded to the officials of all off-shore drilling companies in Mobile Bay and the Gulf of Mexico.

Which was read and referred to the Standing Committee on Rules.

Senator Menton offered the following Senate Resolution, to-wit:

**S. R. 67. COMMENDING MR. ROBERT LAWRENCE APPLING OF IRVINGTON, ALABAMA, FOP NATIONAL MAN OF THE YEAR.**

WHEREAS, Mr. Robert Lawrence Appling of Irvington, Alabama, is a distinguished Alabamian who has rendered outstanding service to the community, the State of Alabama and our Nation; and

WHEREAS, a retired deputy sheriff and court bailiff in Mobile County, Mr. Appling is a veteran of World War II, who served in the United States Army from 1943 to 1948; he was wounded in the Battle of the Bulge and so gravely as to necessitate his hospitalization for more than three years and the eventual amputation of a leg in 1954; and

WHEREAS, Mr. Appling, who is a member of the Fraternal Order of Police, served the organization as vice president, 1975-1976, and as president in 1977-1978, during which tenures the numerous accomplishments and advances of FOP Lodge #17 were directly related to Mr. Appling's dedicated leadership; and

WHEREAS, he also is an organizer and charter member of the 100 Club of Mobile; a member of the American Legion Lamar Y. McLeod Post #3, in which he has held numerous offices; a Life Member of both the Disabled American Veterans and Veterans of Foreign Wars organizations; and a member, as well, of the Alabama Peace Officers and the Alabama Deputy's Associations; and

WHEREAS, Mr. Appling is the recipient of numerous awards and honors including the 1973 Jaycee Outstanding Law Enforcement Award, 1973 Exchange Club Deputy of the Year, 1981 State Legionnaire of the Year, 1981 American Legion Veteran of the Year, 1981 Certificate of Merit from the Mobile County Commission and congratulations from M. O. Beale, also in 1981; he also is responsible for the establishment of the Alabama and National Mr. FOP Awards and, on December 10, 1983, was honored as FOP National Man of the Year; now therefore,

**BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE,** That we most highly commend Mr. Robert Lawrence Appling of Irvington, Alabama, for outstanding service to the community, the State of Alabama and the Nation; we further direct that Mr. Appling receive a copy of this resolution in expression of our sincere warm praise, appreciation and esteem.

Which was read and referred to the Standing Committee on Rules.

### **REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. R. 60. COMMENDING MR. JOHN JACKSON QUINN OF ALBERTVILLE, ALABAMA.**

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable

report, to-wit:

S. J. R. 61. REQUESTING RECONSIDERATION BY THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY BOARD WITH REGARD TO ITS DECISION OF DECEMBER 13, 1983, TO DISAPPROVE THE IN-VITRO FERTILIZATION PROGRAM FOR BIRMINGHAM'S UNIVERSITY HOSPITALS.

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 3. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and or amphetamine like anorectic drug or compound and or any sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Little
Aldridge	Cooley	Foshee	Menton
Amari	Corbett	Goodwin	Mitchem
Barron	deGraffenried	Hand	Parsons
Bennett	Denton	Holmes	Smith (J)
Bishop	Dial	Langford	Strong

—23

Nays:

—0

**POINT OF PERSONAL PRIVILEGE**

Senator Cooley requested that the Journal reflect that, had he been present when the Bill, H. B. 26, was passed, he would have voted "Aye".

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Turnham, Carter, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 142. EXPRESSING APPRECIATION TO THE ROTUNDA TELEPHONE OPERATORS FOR THEIR COURTEOUS ASSISTANCE TO MEMBERS OF THE LEGISLATURE.

Also:

By Reps. Poole, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 143. COMMENDING MRS. CLYDE SHIPLEY OF THE TOWN OF MOUNDVILLE.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 142 and 143, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Buskey (John), Holmes, Kennedy, Black, Buskey (James), and Escott:

H. J. R. 140. HONORING MRS. THELMA AUSTIN RICE UPON HER RETIREMENT FROM ALABAMA STATE UNIVERSITY.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 140, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carter, Martin, Dutton and Drake:

H. J. R. 133. URGING THE INTERSTATE COMMERCE COMMISSION TO GRANT CSX CORPORATION AUTHORITY TO OPERATE BARGE LINES.

WHEREAS, CSX Corporation through its rail and truck line subsidiaries, Chessie and Seaboard System Railroads and CMX Trucking lines now offers intermodal rail-truck service; and

WHEREAS, CSX Corporation has filed an application with the Interstate Commerce Commission for control of American Commercial Lines, whose subsidiary, American Commercial Barge Lines, Inc., is a major water carrier operating on 7,500 miles of the Mississippi River and Gulf Intercoastal Waterway systems; and

WHEREAS, If said application is approved by the Interstate Commerce Commission, CSX Corporation has plans to build a major barge terminal on the Tennessee River in Alabama offering its shippers essentially a full range of transportation services; and

WHEREAS, transportation in Alabama as well as all of the southeastern and central states of the United States of America will be greatly enhanced by approval of the said application by CSX Corporation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we, as elected representatives and spokesmen of the people of Alabama do hereby urge the Interstate Commerce Commission to approve the application of CSX Corporation to operate barge lines so that an efficient, full range of transportation facilities may be provided by CSX Corporation to this state.

BE IT FURTHER RESOLVED, That we hereby urge the Governor to get behind the movement to encourage the Interstate Commerce Commission to approve the application of CSX Corporation so that CSX may oper-

ate barge lines and port facilities in this state and thereby connect transportation on the Tennessee-Tombigbee and other waterways of Alabama with the Ohio, the Mississippi and other river systems serving the industrial and agricultural heartland of this nation.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to the Secretary of the Interstate Commerce Commission at the address of 12th Street and Constitution Avenue, N. W., Washington, D. C. 20423.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to Governor George C. Wallace.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 133, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Laird:

H. J. R. 145. COMMENDING MR. AND MRS. OLIN SHEPPARD OF ROANOKE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 145, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue

and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchem, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 11, the title of which is set out in the foregoing Message from the House, to-wit:

### HOUSE AMENDMENT TO S. B. 11

Amend Senate Bill 11, on page 4, line 16, by adding after the period following the word "herein." the following sentence:

The authorization for the Authority to issue additional bonds in aggregate principal amount to provide the initial capital of up to \$3,000,000 for said revolving loan fund shall be contingent upon the passage by the legislature and the signature of the Governor or upon its otherwise becoming law of appropriate funding measures to provide additional revenue to cover the debt service on said bonds and cause no state department, board, bureau or agency to have a reduction in receipts now provided.

Yeas 20; Nays 0.

Yeas:

Senators:	Cooley	Ellis	Parsons
Barron	Corbett	Figures	Sanders
Bedsole	deGraffenried	Holmes	Smith (J)
Bennett	Denton	Little	Strong
Bishop	Drinkard	Mitchem	Teague
Cabaniss			

—20

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

By Rep. Johnson (Roy):

H. 13. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

and Conference Report being in words and figures as follows:

#### REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL 13

We, the Committee on Conference appointed to reconcile the differences between the two Houses on House Bill 13 have met, considered the matter, and agreed to the following:

Amend H. B. 13, page 13, at the end of Section 6, new subsection (f), by adding the following to the new subsection (f) (Senate Amendment #2):

Provided further, that at the end of the 60 day period provided in this subsection, the commissioner or his duly authorized representatives must obtain a writ of execution from the circuit court of the judicial district in which the property is located prior to seizure of property as authorized by this act.

Rep. Jack Venable,

Rep. Bill Bowling,

Rep. Roy Johnson,

Conferees of the House.

Senator Ryan deGraffenried,

Senator John Teague,

Senator Earl Goodwin,

Conferees of the Senate.

#### AMENDMENT TO SUBSTITUTE FOR H. B. 13, AS AMENDED.

Amend House Bill 13 as amended, at the end of Section 6 by adding a new subparagraph (g) as follows:

“(g) Any person desiring to appeal under Section 40-2-22 Code of Alabama 1975, from any final assessment made by the department of revenue may do so by following the procedures outlined therein with the following exception: if a person can show to the satisfaction of the clerk of the circuit court to which the appeal is taken that he has a total gross net worth of \$20,000 or less including his homestead, then said person may take such appeal without either paying the tax in full or posting a supersedeas bond in

twice the amount of such final assessment.”

**AMENDMENT TO SUBSTITUTE FOR H. B. 13, AS AMENDED**

Amend H. B. 13, page 13, at the end of Section 6, by adding a new subsection (f) to read as follows:

“(f) Provided that the powers conferred on the Commissioner of Revenue, or his duly authorized representatives, by this Section shall not be effective until 60 days after receipt by the Sheriff of a writ of execution issued by the Revenue Department under Section 40-2-11(17), Code of Alabama 1975.”

**AMENDMENT TO SUBSTITUTE FOR H. B. 13, AS AMENDED**

Amend Substitute to Senate Judiciary Committee Substitute to House Bill 13, As Amended, Sections 3, Page 3, by adding the following additional paragraph:

“If the taxpayer shall file with the Department of Revenue a bond in double the amount of the lien filed, with surety or sureties to be either a surety company authorized to do business in Alabama or such individual property owners, not less than three in number, as are recommended by the judge of probate of the county in which the notice of lien is recorded, conditioned to pay all such tax, interest penalty, additional amount or addition to such tax, together with any costs which may occur in addition thereto as may be assessed against the taxpayer, principal in said bond, the Commissioner of Revenue or his delegate, shall withdraw and release said lien filed under the provisions of this section, and upon a determination that the said taxpayer owes any of said taxes to the state, the assessment (judgment) therefor shall be entered against said taxpayer and the surety or sureties on said bond; and, if not paid within 30 days from the date of said final assessment (judgment), then execution shall issue therefor against said principal and the surety or sureties on said bond. If the bond hereinabove provided for is not given and approved by the said Commission, and a final assessment (judgment) is entered against said taxpayer and he duly and legally appeals therefrom within the time and in the manner provided for by this title, and the clerk or register of the court to which the appeal has been taken duly and legally approves the bond required by Section 40-2-22 or the said taxpayer against whom the said assessment was entered by the State Department of Revenue shall, within 30 days from the date of said assessment, pay the amount thereof to the state, then, in either of said events, the Commissioner of Revenue shall cancel or release from record said lien.”

**AMENDMENT TO SUBSTITUTE FOR H. B. 13, AS AMENDED.**

Amend House Bill 13, as amended, on page 23, line 31, by deleting subparagraph (3) in its entirety and inserting in lieu thereof the following:

“(3) an amount of money equal to the fair market value of the property levied upon and the reasonable cost of a judicial determination of the existence of a wrongful levy.

**AMENDMENT TO SUBSTITUTE FOR H. B. 13, AS AMENDED**

Amend House Bill 13, as amended, on page 27, line 14, by deleting the word “equal” and inserting in lieu thereof the word “up”

**AMENDMENT TO SUBSTITUTE FOR H. B. 13, AS AMENDED.**

Amend House Bill 13, as amended, page 32, line 14, by changing the

comma following the word "both" to a period and deleting the remainder of this paragraph.

Further amend House Bill 13, as amended, page 32, line 26, by changing the comma following the word "both" to a period and deleting the remainder of this paragraph.

Further amend House Bill 13 as amended, page 34, line 33, by changing the comma following the word "both" to a period and deleting the remainder of the paragraph.

Further amend House Bill 13, as amended, page 35, line 26, by changing the comma following the word "both" to a period and deleting the remainder of the paragraph.

#### **AMENDMENT TO SUBSTITUTE FOR H. B. 13, AS AMENDED.**

Amend House Bill 13, as amended, on page 15, line 11, after the word "officer" by deleting the words "or employee".

Further amend House Bill 13, as amended, on page 15, line 12, after the word "member" by deleting the words "or employee".

Further amend House Bill 13, as amended, on page 15, line 13, by deleting the word "employee" and the comma immediately following.

Further amend House Bill 13, as amended, on page 26, line 36, after the word "officer" by deleting the words "or employee".

Further amend House Bill 13, as amended, on page 26, line 37, after the word "member" by deleting the words "or employee".

Further amend House Bill 13, as amended, on page 26, line 38, by deleting the word "employee" and the comma immediately following.

#### **AMENDMENT TO SUBSTITUTE FOR H. B. 13, AS AMENDED.**

Amend Substitute to House Bill 13, as amended, on page 14, line 25, after the word "the" by deleting the number "50" and inserting therein the number "10".

Further amend Substitute to House Bill 13, as amended, on page 14, line 33, after the word "to" by deleting the number "50" and inserting therein the number "10".

#### **AMENDMENT TO SUBSTITUTE FOR H. B. 13, AS AMENDED**

Amend House Bill 13, as amended, on page 16, line 29 by deleting the following language: "by special order of the Commissioner or his delegate." and by inserting therein the following language:

"where property is owned in two or more counties the Commissioner or his delegate may determine in which of the counties in which any of the property is located the sale shall be held."

#### **SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR H. B. 13 AS AMENDED**

#### **A BILL TO BE ENTITLED AN ACT**

The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient

enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as the "Tax Enforcement and Compliance Act" or "TECA."

Section 2. Application—Intent—Conflicting provisions.

The provisions of this chapter shall apply to every public tax, license or fee, and/or any penalty or interest payable thereon, levied under the provisions of any existing or hereafter enacted law which is codified in Title 40 or any other title and is collectible by the Commissioner of Revenue.

The purpose of this chapter is to supplement and clarify existing provisions of the general law relating to the enforcement and collection of taxes. The provisions of this chapter shall be complimentary and in addition to all other provisions of law. In the event of any conflict between the provisions of this chapter and those of any other specific statutory provisions contained in other chapters of Title 40, or of any other title, it is hereby declared to be the legislative intent that, to the extent such other specific provisions are inconsistent with or different from the provisions of this chapter, the provisions of this chapter shall prevail. It is the intent of the Legislature that no part of this Act shall be construed so as to supercede any due process requirements presently in effect under Title 40, Code of Alabama 1975.

## SUBCHAPTER A COLLECTIONS

Section 3. Lien for Taxes.

If any person liable to pay any tax, other than ad valorem tax, neglects or refuses to pay the same, the amount (including any interest, additional amount, addition to tax, or assessable penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the State of Alabama upon all property and rights to property, whether real or personal, tangible or intangible, belonging to such person. The Department of Revenue shall give notice of lien to the taxpayer.

Section 4. Period of lien.

Unless another date is specifically fixed by law, the lien imposed by Section 3 of this subchapter shall arise at the time the assessment list, return therefor or the payment thereof, whichever is prior, was due to have been filed with or made to the Revenue Department, and shall continue until the liability for the amount so assessed (or a judgment against the taxpayer arising out of such liability) is satisfied or becomes unenforceable by reason of lapse of time.

Section 5. Validity and priority against certain persons.

(a) Purchasers, holders of security interests, mechanic's lienors, and judgment lien creditors.—The lien imposed by Section 3 of this subchapter shall not be valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice thereof which meets the requirements—of subsection (f) has been filed by the Commissioner of Revenue or his delegate, and shall not be perfected as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until the date such notice is filed.

(b) Protection for certain interest even though notice filed. — Even though notice of a lien imposed by Section 3 has been filed, such lien shall not be valid—

(1) Securities.—With respect to a security [as defined in subsection (g) (4)]—

(A) as against a purchaser of such security who at the time of purchase did not have actual notice or knowledge of the existence of such lien; and

(B) as against a holder of a security interest in such security who, at the time such interest came into existence, did not have actual notice or knowledge of the existence of such lien.

(2) Motor vehicles.—With respect to a motor vehicle [as defined in subsection (g) (3)], as against a purchaser of such motor vehicle, if—

(A) at the time of the purchase such purchaser did not have actual notice or knowledge of the existence of such lien, and

(B) before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

(3) Personal property purchased at retail.—With respect to tangible personal property purchased at retail, as against a purchaser in the ordinary course of the seller's trade or business, unless at the time of such purchase such purchaser intends such purchase to (or knows such purchase will) hinder, evade, or defeat the collection of any tax under this title.

(4) Personal property purchased in casual sale.—With respect to household goods, personal effects, or other tangible personal property purchased (not for resale) in a casual sale for less than \$250, as against the purchaser, but only if such purchaser does not have actual notice or knowledge (A) of the existence of such lien, or (B) that this sale is one of a series of sales.

(5) Personal property subject to possessory lien.—With respect to tangible personal property subject to a lien securing the reasonable price of the repair or improvement of such property, as against a holder of such a lien, if such holder is, and has been, continuously in possession of such property from the time such lien arose.

(6) Real property tax.—With respect to real property, as against a holder of a lien upon such property, if such lien is entitled to priority over security interests in such property which are prior in time, and such lien secures payment of ad valorem tax.

(7) Real property subject to a mechanic's lien for certain repairs and improvements.—With respect to real property subject to a lien for repair or



improvement as against a mechanic's lienor but not to exceed \$5,000.

(8) Attorneys' liens.—With respect to a judgment or other amount in settlement of a claim or of a cause of action, as against an attorney who holds a lien upon a contract enforceable against such judgment or amount, to the extent of his reasonable compensation for obtaining such judgment or procuring such settlement.

(9) Certain insurance contracts.—With respect to a life insurance, endowment, or annuity contract, as against the organization which is the insurer under such contract, at any time—

(A) before such organization had actual notice or knowledge of the existence of such lien; or

(B) after such organization had such notice or knowledge, with respect to advances required to be made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge.

(c) Protection for certain commercial transactions financing agreements, etc.—

(1) In general.—To the extent provided in this subsection, even though notice of a lien imposed by section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing but which—

(A) is in qualified property covered by the terms of a written agreement entered into before tax lien filing and constituting—

(i) a commercial transactions financing agreement,

(ii) a real property construction or improvement financing agreement,  
or

(iii) an obligatory disbursement agreement, and

(B) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(2) Commercial transactions financing agreement.—For purposes of this subsection—

(A) Definition.—The term “commercial transactions financing agreement” means an agreement (entered into by a person in the course of his trade or business)—

(i) to make loans to the taxpayer to be secured by commercial financing security acquired by the taxpayer in the ordinary course of his trade or business, or

(ii) to purchase commercial financing security (other than inventory) acquired by the taxpayer in the ordinary course of his trade or business;

but such an agreement shall be treated as coming within the term only to the extent that such loan or purchase is made before the 46th day after the date of tax lien filing or (if earlier) before the lender or purchaser had actual notice or knowledge of such tax lien filing.

(B) Limitation on qualified property.—The term “qualified property”, when used with respect to a commercial transactions financing agreement, includes only commercial financing security acquired by the taxpayer before the 46th day after the date of tax lien filing.

(C) Commercial financing security defined.—The term “commercial financing security” means (i) paper of a kind ordinarily arising in commercial transactions, (ii) accounts receivable, (iii) mortgages on real property, and (iv) inventory.

(D) Purchaser treated as acquiring security interest.—A person who satisfies subparagraph (A) by reason of clause (ii) thereof shall be treated as having acquired a security interest in commercial financing security.

(3) Real property construction or improvement financing agreement.—For purposes of this subsection—

(A) Definition.—The term “real property construction or improvement financing agreement” means an agreement to make cash disbursements to finance—

(i) the construction or improvement of real property,

(ii) a contract to construct or improve real property, or

(iii) the raising or harvesting of a farm crop or the raising of livestock or other animals.

For purposes of clause (iii), the furnishing of goods and services shall be treated as the disbursement of cash.

(B) Limitation on qualified property.—The term “qualified property”, when used with respect to a real property construction or improvement financing agreement, includes only—

(i) in the case of subparagraph (A) (i), the real property with respect to which the construction or improvement has been or is to be made,

(ii) in the case of subparagraph (A) (ii), the proceeds of the contract described therein, and

(iii) in the case of subparagraph (A) (iii), property subject to the lien imposed by Section 3 at the time of tax lien filing and the crop or the livestock or other animals referred to in subparagraph (A) (iii).

(4) Obligatory disbursement agreement.—For purposes of this subsection—

(A) Definition.—The term “obligatory disbursement agreement” means an agreement (entered into by a person in the course of his trade or business) to make disbursements, but such an agreement shall be treated as coming within the term only to the extent of disbursements which are required to be made by reason of the intervention of the rights of a person other than the taxpayer.

(B) Limitation on qualified property.—The term “qualified property”, when used with respect to an obligatory disbursement agreement, means property subject to the lien imposed by Section 3 at the time of tax lien filing and [to the extent that the acquisition is directly traceable to the disbursements referred to in subparagraph (A)] property acquired by the taxpayer after tax lien filing.

(C) Special rules for surety agreements.—Where the obligatory disbursement agreement is an agreement ensuring the performance of a contract between the taxpayer and another person—

(i) the term “qualified property” shall be treated as also including the proceeds of the contract the performance of which was ensured, and

(ii) if the contract the performance of which was ensured was a contract to construct or improve real property, to produce goods, or to furnish services, the term "qualified property" shall be treated as also including any tangible personal property used by the taxpayer in the performance of such ensured contract.

(d) 45 day period for making disbursement.—Even though notice of a lien imposed by Section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing by reason of disbursements made before the 46th day after the date of tax lien filing, or (if earlier) before the person making such disbursements had actual notice or knowledge of tax lien filing, but only if such security interest—

(1) is in property (A) subject at the time of tax lien filing, to the lien imposed by Section 3, and (B) covered by the terms of a written agreement entered into before tax lien filing, and

(2) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(e) Priority of interest and expenses.—If the lien imposed by Section 3 is not valid as against a lien or security interest, the priority of such lien or security interest shall extend to—

(1) any interest or carrying charges upon the obligation secured,

(2) the reasonable charges and expenses of an indenture trustee or agent holding the security interest for the benefit of the holder of the security interest,

(3) the reasonable expenses, including reasonable compensation for attorneys, actually incurred in collecting or enforcing the obligation secured,

(4) the reasonable costs of insuring, preserving, or repairing the property to which the lien or security interest relates,

(5) the reasonable costs of insuring payment of the obligation secured, and

(6) amounts paid to satisfy any lien on the property to which the lien or security interest relates, but only if the lien so satisfied is entitled to priority over the lien imposed by Section 3, to the extent that any such item has the same priority as the lien or security interest to which it relates.

(f) Place for filing; form.—

(1) Place for filing.—The notice referred to in subsection (a) shall be filed

(A) Real property.—In the case of real property, in the probate office of the county in which the property subject to the lien is situated; and

(B) Personal property.—In the case of personal property, whether tangible or intangible, in the office (i) in which a financing statement would be filed to perfect a security interest with respect to such property pursuant to the Alabama Uniform Commercial Code, or (ii) of the Secretary of State, if a financing statement would not be required to be filed to perfect a security interest with respect to such property; provided, however, if the property is a motor vehicle (as defined under sub-section (g) (3) of Section 5), the tax lien shall be perfected in the same manner as a security interest is required to be perfected with respect to such motor vehicle. Such notice shall be

effective as to any third party only when properly included by name in the index of such financing statements available for public inspection, and shall not be effective against a third party who relies upon a certification of such filings obtained in the manner provided in Section 7-9-407 of the Code of Alabama 1975 if such notice is omitted from the certification. Each filing officer shall reflect such notices in any certificate provided pursuant to Section 7-9-407.

(2) Form.—The form and content of the notice referred to in subsection (a) shall be prescribed by the Commissioner of Revenue or his delegate. Such notice shall be valid notwithstanding any other provision of law regarding the form or content of a notice of lien.

(g) Definitions.—For purposes of this section

(1) Security interest.—the term “security interest” means any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest exists at any time (A) if, at such time, the property is in existence and the interest has become protected against a subsequent judgment lien arising out of an unsecured obligation, and (B) to the extent that, at such time, the holder has parted with money or money’s worth.

(2) Mechanic’s lienor.—The term “mechanics lienor” means any person who has a lien on real property (or on the proceeds of a contract relating to real property) for services, labor, or materials furnished in connection with the construction or improvement of such property. For purposes of the preceding sentence, a person has a lien on the earliest date such lien becomes valid against subsequent purchasers without actual notice, but not before he begins to furnish the services, labor, or materials.

(3) Motor vehicle.—The term “motor vehicle” means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.

(4) Security.—The term “security” means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by a corporation or a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(5) Tax lien filing.—The term “tax lien filing” means the filing of notice (referred to in subsection (a)) of the lien imposed by Section 3.

(6) Purchaser.—The term “purchaser” means a person who, for adequate and full consideration in money or money’s worth, acquires an interest (other than a lien or security interest) in property which is valid against subsequent purchasers without actual notice. In applying the preceding sentence for purposes of subsection (a) of this section—

- (A) a lease of property,
  - (B) a written executory contract to purchase or lease property,
  - (C) an option to purchase or lease property or any interest therein, or
  - (D) an option to renew or extend a lease of property, which is not a lien or security interest shall be treated as an interest in property.
- (i) Special rules.

(1) Actual notice or knowledge.—For purposes of this subchapter, an organization shall be deemed for purposes of a particular transaction to have actual notice or knowledge of any fact from the time such fact is brought to the attention of the individual conducting such transaction, and in any event for the time such fact would have been brought to such individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routine. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(2) Subrogation.—Where one person is subrogated to the rights of another with respect to a lien or interest, such person shall be subrogated to such rights for purposes of any lien imposed by Section 3.

(3) Disclosure of amount of outstanding lien.—If a notice of lien has been filed pursuant to subsection (f), the Commissioner or his delegate is authorized to provide by regulations the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by the lien may be disclosed.

#### Section 6. Levy and distraint.

(a) Authority of Commissioner or delegate.—If any person liable to pay any final assessment of tax neglects or refuses to pay the same within 30 days after notice and demand, it shall be lawful for the Commissioner of Revenue or his delegate to collect such tax (and such further sum as shall be sufficient to cover the expenses of the levy) by levy upon all property and rights to property belonging to such person or on which there is a lien provided in this chapter for the payment of such tax. If the Commissioner of Revenue or his delegate makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the Commissioner of Revenue or his delegate and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the 30-day period provided in this section. The Commissioner of Revenue or his delegate shall procure a temporary restraining order from the appropriate Circuit Court of Alabama prior to a jeopardy levy for which said court may order the taxpayer restrained from disposing of any assets or otherwise provide for other means to insure collection of the tax liability.

(b) Seizure and sale of property.—The term "levy" as used in this title includes the power of distraint and seizure by any lawful means. Except as otherwise provided in subsection (d)(3), a levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the Commissioner of Revenue may levy upon property or rights to property, he may seize and sell such property or rights to property (whether real or personal, tangible or intangible), as prescribed by law.

(c) Successive seizures.—Whenever any property or right to property upon which levy has been made by virtue of subsection (a) is not sufficient to satisfy the claim of the State of Alabama for which levy is made, the Commissioner of Revenue or his delegate may, thereafter, and as often as may be necessary, proceed to levy in like manner upon any other property liable to levy of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

(d) Requirement of notice before levy.

(1) In general.—Levy may be made under subsection (a) upon the salary or wages or other property of any person with respect to any unpaid tax only after the Commissioner of Revenue has notified such person in writing of his intention to make such levy.

(2) 30-day requirement.—The notice required under paragraph (1) shall be served in any one of the following methods

(A) given in person.

(B) left at the dwelling or usual place of business of such person, or

(C) sent by certified or registered mail to such person's last known address,

no less than 30 days before the day of the levy.

(3) Jeopardy.—Paragraph (1) shall not apply to a levy if the Commissioner of Revenue has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy.

(e) Continuing levy on salary and wages.—

(1) Effect of levy.—The effect of a levy on salary or wages payable to or received by a taxpayer shall be continuous from the date such levy is first made until the liability out of which such levy arose is satisfied; provided, however, that no such levy made shall be more than 25% of the total wages or salary due the taxpayer.

(2) Release and notice of release.—With respect to a levy described in paragraph (1), the Commissioner of Revenue shall within ten (10) days release the levy when the liability out of which such levy arose is satisfied and shall promptly notify the person upon whom such levy was made that such levy has been released.

#### Section 7. Surrender of property subject to levy.

(a) Requirement.—Except as otherwise provided in subsection (b), any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made shall, upon demand of the Commissioner of Revenue or his delegate, surrender such property or rights (or discharge such obligation) to the Commissioner of Revenue or his delegate, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) Enforcement of levy.—

(1) Extent of personal liability.—Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the Commissioner of Revenue, shall be liable in his own person and estate to the State of Alabama in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which such levy has been made, together with costs and interest on such sum at an annual rate established by law from the date of such levy [or, in the case of a levy described in Section 6(d)(3), from the date such person would otherwise have been obligated to pay over such amounts to the taxpayer]. Any amount (other than costs and the 50% penalty provided in subparagraph 2 below) recovered under this paragraph shall be credited against the tax liability for the collection of which such levy was

made.

(2) **Penalty for violation.**—In addition to the personal liability imposed by paragraph (1), if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property without reasonable cause, such person shall be liable for a penalty equal to 50 percent of the amount recoverable from the property under his control. No part of such penalty shall be credited against the tax liability for the collection of which such levy was made.

(c) **Effect of honoring levy.**—Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the Commissioner of Revenue or his delegate, surrenders such property or rights to property (or discharges such obligation) to the Commissioner of Revenue or his delegate, or who pays a liability under subsection (b)(1), shall be discharged from any obligation or liability to the delinquent taxpayer with respect to such property or rights to property arising from such surrender or payment.

(d) **Person defined.**—The term “person” as used in subsection (a) includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to surrender the property or rights to property, or to discharge the obligation.

#### Section 8. Production of books.

If a levy has been made on any property, or right to property, any person having custody or control of any books or records containing evidence or statements relating to the property or rights to property subject to levy, shall, upon demand of the Commissioner of Revenue or his delegate, exhibit such books or records to the Commissioner of Revenue or his delegate.

#### Section 9. Sale of seized property.

(a) **Notice of seizure.**—As soon as practicable after seizure of property, notice in writing shall be given by the Commissioner of Revenue or his delegate to the owner of the property (or, in the case of personal property, the possessor thereof), or shall be left at his usual place of abode or business. If the owner cannot be readily located, or has no dwelling or place of business within the state, the notice may be mailed to his last known address. Such notice shall specify the sum demanded and shall contain, in the case of real property, a description with reasonable certainty of the property seized.

(b) **Notice of sale.**—The Commissioner or his delegate shall as soon as practicable after the seizure of the property give notice to the owner, in the manner prescribed in subsection (a), and shall cause a notification to be published in some newspaper published or generally circulated within the county wherein such seizure is made, or if there be no newspaper published or generally circulated in such county, shall post such notice at the post office nearest the place where the seizure is made, and in not less than two other public places. Such notice shall specify the property to be sold, including both a legal description and a readily understandable layman's description, and the time, place, manner, and conditions of the sale thereof. Whenever levy is made without regard to the 30-day notice period, public notice of sale of the property seized shall be made within such 30-day period unless Section 10 (relating to sale of perishable goods) is applicable.

(c) **Sale of indivisible property.**—If any property liable to levy is not divisible, so as to enable the Commissioner or his delegate by sale of a part

thereof to raise the whole amount of the tax and expenses, the whole of such property shall be sold. Such indivisible property shall include only property in which the taxpayer has controlling interest in and may not include property wherein the taxpayer may share in ownership with other persons.

(d) Time and place of sale.—The time of sale shall not be less than 30 days nor more than 60 days from the time of giving public notice under subsection (b). The place of sale shall be within the county in which the property is seized, except by special order of the Commissioner or his delegate.

(e) Manner and conditions of sale.—

(1) Minimum price.—Before the sale the Commissioner or his delegate may determine a minimum price for which the property shall be sold, and if such minimum price is determined, and if no person offers for such property at the sale the amount of the minimum price, the property shall be declared to be purchased at such price for the State of Alabama; otherwise the property shall be declared to be sold to the highest bidder.

(2) Additional Rules Applicable to Sale.—The Commissioner or his delegate shall by regulations prescribe the manner and other conditions of the sale of property seized by levy. If one or more alternative methods or conditions are permitted by regulations, the Commissioner or his delegate shall select the alternatives applicable to the sale. Such regulations shall provide:

(A) That the sale shall not be conducted in any manner other than—

(i) by public auction, or

(ii) by public sale under sealed bids.

(B) In the case of the seizure of several items of property, whether such items shall be offered separately, in groups, or in the aggregate; and whether such property shall be offered both separately (or in groups) and in the aggregate, and sold under whichever method produces the highest aggregate amount.

(C) Whether the announcement of the minimum price determined by the Commissioner or his delegate may be delayed until the receipt of the highest bid.

(D) Whether payment in full shall be required at the time of acceptance of a bid, or whether a part of such payment may be deferred for such period (not to exceed 1 month) as may be determined by the Commissioner or his delegate to be appropriate.

(E) The extent to which methods (including advertising) in addition to those prescribed in subsection (b) may be used in giving notice of the sale.

(F) Under what circumstances the Commissioner or his delegate may adjourn the sale from time to time (but such adjournments shall not be for a period to exceed in all 1 month).

(3) Payment of amount bid.—If payment in full is required at the time of acceptance of a bid and is not then and there paid, the Commissioner or his delegate shall forthwith proceed to again sell the property in the manner provided in this subsection. If the conditions of the sale permit part of the payment to be deferred, and if such part is not paid within the



prescribed period, suit may be instituted against the purchaser for the purchase price or such part thereof as has not been paid, together with interest at the rate applicable to liabilities due the Revenue Department from the date of the sale; or, in the discretion of the Commissioner or his delegate, the sale may be declared to be null and void for failure to make full payment of the purchase price and the property may again be advertised and sold as provided in subsections (b) and (c) of this subsection. In the event of such readvertisement and sale any new purchaser shall receive such property or rights to property free and clear of any claim or right of the former defaulting purchaser, of any nature whatsoever, and the amount paid upon the bid price by such defaulting purchaser shall be forfeited.

**Section 10. Sale of perishable goods.**

If the Commissioner or his delegate determines that any property seized is liable to perish or become greatly reduced in price or value by keeping, or that such property cannot be kept with out great expense, he shall appraise the value of such property and—

(a) Return to owner.—If the owner of the property can be readily found, the Commissioner or his delegate shall give him notice of such determination of the appraised value of the property. The property shall be returned to the owner if, within such time as may be specified in the notice, the owner—

(1) Pays to the Commissioner or his delegate an amount equal to the appraised value, or

(2) Gives bond in such form, with such sureties, and in such amount as the Commissioner or his delegate shall prescribe, to pay the appraised amount at such time as the Commissioner or his delegate determines to be appropriate in the circumstances.

(b) Immediate sale.—If the owner does not pay such amount or furnish such bond in accordance with this section, the Commissioner or his delegate may as soon as practicable make public sale of the property in accordance with such regulations or in such manner as may be prescribed by the Commissioner or his delegate.

**Section 11. Redemption of property.**

(a) Before sale.—Any person whose property has been levied upon hereunder or subject to execution under Section 40-2-11, Code of Alabama 1975, shall have the right to pay the amount due, together with the expenses of the proceeding, if any, to the Commissioner or his delegate at any time prior to the sale thereof, and upon such payment the Commissioner or his delegate shall restore such property to him, and all further proceedings in connection with the levy on such property shall cease from the time of such payment.

(b) Redemption of real estate after sale.—

(1) Period.—The owners of any real property sold as provided in Section 9, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the property sold, or any particular tract of such property, at any time within one year after the sale thereof. Real property purchased by the state at said sale may be redeemed from the state at any time within one year after the sale thereof.

(2) Price.—Such property or tract of property shall be permitted to be

redeemed upon payment to the purchaser, or in case he cannot be found in the county in which the property to be redeemed is situated, then to the Commissioner or his delegate, for the use of the purchaser, his heirs, or assigns, the amount paid by such purchaser and interest thereon at the current rate of interest per annum as last published and charged on delinquent taxes by the Internal Revenue Service. Where the state was purchaser, the tax liability must be paid in full in addition to the costs, penalties and interest in order to redeem.

(c) Record.—When any lands sold are redeemed as provided in this section, the Commissioner or his delegate shall cause entry of the fact to be made upon the record mentioned in Section 14, and such entry shall be evidence of such redemption.

(d) There may be no redemption of personal property.

**Section 12. Certificate of sale; deed of real property.**

(a) Certificate of sale.—In the case of personal property sold as provided in Section 9, the Commissioner or his delegate shall give to the purchaser a certificate of sale upon payment in full of the purchase price.

(b) Deed to real property.—In the case of any real property sold as provided in Section 9 and not redeemed in the manner and within the time provided in section 11, the Commissioner or his delegate shall execute to the purchaser of such real property at such sale, upon his surrender of the certificate of sale, a deed of the real property so purchased by him, reciting the facts set forth in the certificate.

(c) Real property purchased by State of Alabama.—If real property is declared purchased by the State of Alabama at a sale pursuant to Section 9, the Commissioner or his delegate shall at the proper time execute a deed therefor, and without delay cause such deed to be duly recorded in the probate office of the county in which the property is located.

**Section 13. Legal effect of certificate of sale of personal property and deed of real property.**

(a) Certificate of sale of property other than real property.—In all cases of a sale of property (other than real property) pursuant to Section 9, the certificate of such sale—

(1) As evidence.—Shall be prima facie evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings in making the sale; and

(2) As conveyances.—Shall transfer to the purchaser all right, title, and interest of the party delinquent in and to the property sold; and

(3) As authority for transfer of corporate stock.—If such property consists of stocks, shall be notice when received, to any corporation, company, or association of such transfer, and shall be authority to such corporation, company, or association to record the transfer on its books and records in the same manner as if the stocks were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not; and

(4) As receipts.—If the subject of sale is securities or other evidences of debt, shall be a good and valid receipt to the person holding the same, as against any person holding or claiming to hold possession of such securities or other evidences of debt; and

(5) As authority for transfer of title to motor vehicle. — If such property consists of a motor vehicle, shall be notice, when received, to any public official charged with the registration of title to motor vehicles, of such transfer and shall be authority to such official to record the transfer on his books and records in the same manner as if the certificate of title to such motor vehicle were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not.

(b) Deed of real property.—In the case of the sale of real property pursuant to Section 9—

(1) Deed as evidence.—The deed of sale given pursuant to Section 12 shall be prima facie evidence of the facts therein stated; and

(2) Deed as conveyance of title.—If the proceedings of the Commissioner or his delegate as set forth have been substantially in accordance with the provisions of law, such deed shall be considered and operate as a conveyance of all the right, title, and interest the party delinquent had in and to the real property thus sold at the time the lien of the State of Alabama attached thereto.

(c) Effect of junior encumbrances.—A certificate of sale of personal property given or a deed to real property executed pursuant to Section 12 shall discharge such property from all liens, encumbrances, and titles over which the lien of the State of Alabama with respect to which the levy was made had priority.

(d) Effect of senior encumbrances.—A certificate of sale of personal property given or a deed to real property does not discharge such property from liens, encumbrances, and titles senior to the lien of the State of Alabama.

#### Section 14. Records of sales to be kept.

The Commissioner or his delegate shall keep a record of all sales of real property sold under Section 9 and of redemptions of such property. The record shall set forth the tax for which the sale was made, the dates of seizure and sale, the amount of the expenses, the name of purchaser and the date of the deed. A deed to the State of Alabama by virtue of its purchase at the sale shall be promptly recorded in the Probate Office of the county or counties where the property is located.

#### Section 15. Expense of levy and sale.

The Commissioner or his delegate shall determine the expenses to be allowed in all cases of levy and sale, which expenses shall be actual expenses directly related to the sale. The fee for a professional auctioneer that may be employed at the discretion of the Commissioner or his delegate shall be considered an expense of the levy and sale.

#### Section 16. Application of proceeds of levy.

(a) Collection of liability.—Any money realized by proceedings under this subchapter (whether by seizure, by surrender under Section 7 [except pursuant to subsection (b)(2) thereof], or by sale of seized property) or by sale of property redeemed by the State of Alabama (if the interest of the State of Alabama in such property was a lien arising under the provisions of this title) shall be applied as follows:

(1) Expense of levy and sale.—First, against the expenses of the proceedings;

(2) Specific tax liability on seized property.—If the property seized and sold is subject to a tax imposed under this title which has not been paid, the amount remaining after applying paragraph (1) shall then be applied against such tax liability, including any penalty and interest, (and, if such tax was not previously assessed, it shall then be assessed);

(3) Liability of delinquent taxpayer.—The amount, if any, remaining after applying paragraphs (1) and (2) shall then be applied against the liability in respect of which the levy was made or the sale was conducted.

(b) Surplus proceeds.—Any surplus proceeds remaining after the application of subsection (a) shall be refunded by the Commissioner or his delegate to the person or persons legally entitled thereto.

#### Section 17. Authority to release levy and return property.

(a) Release of levy.—It shall be lawful for the Commissioner or his delegate to release the levy, and any liens, upon all or part of the property or rights to property levied upon where the Commissioner or his delegate, within their discretion, determines that such action will facilitate the collection of the liability or for other good reason that the levy should be released, but such release shall not operate to prevent any subsequent levy.

(b) Return of property.—If the Commissioner determines that property has been wrongfully levied upon, it shall be lawful for the Commissioner to return—

- (1) the specific property levied upon,
- (2) an amount of money equal to the amount of money levied upon, or
- (3) an amount of money equal to the amount of money received by the State of Alabama from a sale of such property.

(c) Interest.—Interest shall be allowed and paid at an annual rate established by law—

(1) in a case described in subsection (b)(2), from the date the Commissioner receives the money to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days, or

(2) in a case described in subsection (b)(3), from the date of the sale of the property to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days.

### SUBCHAPTER B

#### LIMITATIONS ON ASSESSMENT AND COLLECTION

##### Section 18. Limitations on assessment—Income Tax.

The three year limitation period set out in Section 40-18-45(a), Code of Alabama 1975, for making income tax assessments shall be suspended upon the entry of a preliminary assessment by the Revenue Department.

##### Section 19. Collection after assessment.

Length of period.—Where the assessment of any tax imposed by this title has been begun or made within the period of limitation properly applicable thereto, such tax may be collected by levy or by a proceeding in court, but only if the levy is made or the proceeding begun—

- (1) within 10 years after the final assessment of the tax, or

(2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner or his delegate and the taxpayer before the expiration of such 10-year period (or, if there is a release of levy under Section 17 after such 10-year period, then before such release).

The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. The period provided by this subsection during which a tax may be collected by levy shall not be extended or curtailed by reason of a judgment against the taxpayer.

(b) Date when levy is considered made.—The date on which a levy on property or rights to property is made shall be the date on which the notice of seizure provided in Section 9 is given.

**Section 20. Suspension of running of period of limitation.**

(a) General rule.—The running of the period of limitations provided in Section 18 or 19 on the making of assessments or the collection by levy or a proceeding in court shall be suspended for the period during which the Commissioner is prohibited from making the assessment or from collecting by levy or a proceeding in court and for 60 days thereafter.

(b) Assets of taxpayer in control or custody of court.—The period of limitations on collection after assessment prescribed in Section 18 or 19 shall be suspended for the period the assets of the taxpayer are in the control or custody of the court in any proceeding before any court of the State of Alabama, and for 6 months thereafter.

(c) Taxpayer outside State of Alabama.—The running of the period of limitations on collection after assessment prescribed in Section 18 or 19 shall be suspended for the period during which the taxpayer is outside the State of Alabama if such period of absence is for a continuous period of at least 6 months. If the preceding sentence applies and at the time of the taxpayer's return to the State of Alabama the period of limitations on collection after assessment prescribed in Section 18 or 19 would expire before the expiration of 6 months from the date of his return, such period shall not expire before the expiration of such months.

(d) Cases under title 11 of the United States Code (Bankruptcy).—The running of the period of limitations provided in Section 18 or 19 on the making of assessments or collection shall, in a case under title 11 of the United States Code (Bankruptcy), be suspended for the period during which the Commissioner is prohibited by reason of such case from making the assessment or from collecting and—

- (1) for assessment, 6 months thereafter, and
- (2) for collection, 6 months thereafter.

**SUBCHAPTER C**  
**ADDITIONS TO TAX AND PENALTIES**

**Section 21. Bad checks.**

If any check or money order in payment of any amount receivable under this title is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered such check, upon notice and demand by the Commissioner or his delegate, in the same manner as tax, an amount equal to 10 percent of the amount of such

check, except that if the amount of such check is less than \$500, the penalty under this section shall be \$10 or the amount of such check, whichever is the lesser. This section shall not apply if the person tendered such check in good faith and with reasonable cause to believe that it would be duly paid, or settlement is made by the taxpayer within ten days after notification of receipt of a bad check by the Department.

**Section 22. Automatic Refund.**

Where the Department of Revenue determines that a taxpayer is entitled to a refund, the Department of Revenue shall automatically refund to that taxpayer the amount of any excess tax so paid to the State of Alabama; provided, however, that the statute of limitations provisions of the applicable tax law shall apply.

**Section 23. Rules for application of assessable penalties.**

(a) **Penalty assessed as tax.**—The penalties and liabilities provided by this subchapter shall be paid upon notice and demand by the Commissioner or his delegate, and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in this title to “tax” imposed by this title shall be deemed also to refer to the penalties and liabilities provided by this subchapter.

(b) **Person defined.**—The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

**Section 24. Failure to collect and pay over tax, or attempt to evade or defeat tax.**

(a) **General rule.**—Any person required to collect, truthfully account for, and/or pay over any tax imposed by §§40-17-2, 40-17-220, 40-18-71, 40-21-82, 40-23-2, 40-23-61, 40-26-1, Code of Alabama 1975 and any other local sales, use, and gross receipts taxes collected by the State Department of Revenue who willfully fails to collect such tax, or truthfully account for, and/or pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable for a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

(b) **Extension of period of collection where bond is filed.** —

(1) **In general.**—If, within 30 days after the day on which notice and demand of any penalty under subsection (a) is made against any person, such person—

(A) pays an amount which is not less than the minimum amount required to commence a proceeding in court with respect to his liability for such penalty.

(B) files a claim for refund of the amount so paid, and

(C) furnishes a bond which meets the requirements of paragraph (3), no levy or proceeding in court for the collection of the remainder of such penalty shall be made, begun, or prosecuted until a final resolution of a proceeding begun as provided in paragraph (2).

(2) **Suit must be brought to determine liability for penalty.**—If, within 30 days after the day on which his claim for refund with respect to any

penalty under subsection (a) is denied, the person described in paragraph (1) fails to begin a proceeding in the appropriate court for the determination of his liability for such penalty; paragraph (1) shall cease to apply with respect to such penalty, effective on the day following the close of the 30-day period referred to in this paragraph.

(3) Bond.—The bond referred to in paragraph (1) shall be in such form and with such sureties as the Commissioner may by regulations prescribe and shall be in an amount equal to 1 ½ times the amount of excess of the penalty assessed over the payment described in paragraph (1).

(4) Suspension of running of period of limitations on collection.—The running of the period of limitations provided in section 18 on the collection by levy or by a proceeding in court in respect of any penalty described in paragraph (1) shall be suspended for the period during which the Commissioner is prohibited from collecting by levy or a proceeding in court.

(5) Jeopardy collection.—If the commissioner makes a finding that the collection of the penalty is in jeopardy, nothing in this subsection shall prevent the immediate collection of such penalty.

**Section 25. Fraudulent statement or failure to furnish statement to employee.**

In addition to the criminal penalty provided by Section 33, any person required under this title to furnish a statement to an employee who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required shall for each such failure be subject to a penalty under this subchapter of \$50.

**Section 26. False information with respect to withholding.**

(a) Civil Penalty.—In addition to any criminal penalty provided by law, if—

(1) any individual makes a statement under Section 40-18-73 which results in a decrease in the amounts deducted and withheld under Section 40-18-71, and

(2) as of the time such statement was made, there was no reasonable basis for such statement, such individual shall pay a penalty of \$500 for such statement.

(b) Exception.—The Commissioner may waive (in whole or in part) the penalty imposed under subsection (a) if the taxes imposed with respect to the individual under Chapter 18 of Title 40, Code of Alabama 1975 for the taxable year are equal to or less than the sum of—

(1) the credits against such taxes allowed by Sections 40-18-21, 40-18-120 and 40-18-121, and

(2) the payments of estimated tax which are considered payments on account of such taxes.

**SUBCHAPTER D  
JEOPARDY**

**Section 27. Jeopardy Assessment for Income Tax.**

(a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property

therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year unless such proceedings be brought without delay, the Commissioner or his delegate shall declare the taxable period for such taxpayer immediately terminated, and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of jeopardy.

(b) Reopening of taxable period.—Notwithstanding the termination of the taxable period of the taxpayer by the Commissioner or his delegate, as provided in subsection (a), the Commissioner or his delegate may reopen such taxable period each time the taxpayer is found by the Commissioner or his delegate to have received income, within the current taxable year, since a termination of the period under subsection (a). A taxable period so terminated by the Commissioner or his delegate may be reopened by the taxpayer if he files with the Commissioner or his delegate a true and accurate return of the items of gross income and of the deductions and credits allowed under this title for such taxable period, together with such other information required under this title. If the taxpayer is a nonresident, the taxable period so terminated may be reopened by him if he files, or causes to be filed, with the Commissioner or his delegate a true and accurate return of his total income derived from all sources within the State of Alabama, in the manner prescribed in this title.

(c) Abatement if jeopardy does not exist.—The Commissioner or his delegate may abate the jeopardy assessment if he finds that jeopardy does not exist. The period of limitation on the making of assessments and levy or a proceeding in court for collection, in respect of any deficiency, shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the 10th day after the day on which such jeopardy assessment is abated.

(d) When a jeopardy assessment has been as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable interest and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or disapprove the bond, but such approval shall not be unreasonably withheld.

(e) A final jeopardy assessment entered hereunder may be appealed to the appropriate circuit court of Alabama in the same manner as provided under §40-2-22, Code of Alabama 1975.

#### Section 28. Jeopardy Assessment—Other taxes.

(a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect any tax imposed by Title 40 other



than income tax, the Commissioner or his delegate may issue notice of such finding to the taxpayer by personal service or mailing to his/her last known address, together with a demand for immediate payment of the tax declared to be in jeopardy, including penalties and additions thereto and such tax, penalty, interest and additions thereto shall be immediately due and payable. A final assessment of such tax may be entered immediately and if the assessment is not paid upon such demand of the Commissioner or his delegate, the Commissioner or his delegate may forthwith issue a warrant for levy and distraint of any personal property of the taxpayer which shall be collected in the same manner and with like effect as provided under subchapter A of this Act.

(b) In the case of a tax for a current period, the Commissioner or his delegate may declare the taxable period of the taxpayer immediately terminated and may at his discretion estimate the tax liability based upon the best information obtainable. Notice of such finding and declaration shall be issued to the taxpayer in the same manner as in subsection (a).

(c) When a jeopardy assessment has been made as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable interest and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or disapprove the bond, but such approval shall not be unreasonably withheld.

(d) In any proceeding in court to contest the jeopardy assessment or to enforce payment of the taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, shall be for all purposes presumptive evidence of jeopardy.

(e) A final jeopardy assessment entered hereunder may be appealed to the appropriate circuit court of Alabama in the same manner as provided under §40-2-22, Code of Alabama 1975.

## SUBCHAPTER E

### CRIMES

#### Section 29. Attempt to evade or defeat tax.

Any person who willfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 5 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

#### Section 30. Willful failure to collect or pay over tax.

Any person required under this title to collect, account for, and pay over any tax imposed by this title who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

Section 31. Willful failure to file return, supply information, or pay tax.

Any person required under this title to pay any estimated tax or tax, or required by this title or by regulations made under authority thereof to make a return, (other than a return required under Section 40-18-82, Code of Alabama 1975), keep any records, or supply any information, who willfully fails to pay such estimated tax or tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25,000 (\$100,000 in the case of a corporation), or imprisoned not more than 1 year, or both, together with the costs of prosecution. In the case of any person with respect to whom there is a failure to pay any estimated tax, this section shall not apply to such person with respect to such failure if there is no addition to tax under Section 40-18-80 (d) and (e), Code of Alabama 1975, as amended, with respect to such failure.

Section 32. Fraudulent statement or failure to make statement to employees.

In lieu of any other penalty provided by law (except the penalty provided by Section 26) any person required under the provisions of Section 40-18-75, Code of Alabama 1975, to furnish a statement who willfully furnishes a false or fraudulent statement or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under Section 40-18-75, Code of Alabama 1975, or regulations prescribed thereunder, shall, for each such offense, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

Section 33. Fraudulent withholding exemption certificate or failure to supply information.

Any individual required to supply information to his employer under Section 40-18-73, Code of Alabama 1975, who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under Section 40-18-73, Code of Alabama 1975, shall, in lieu of any other penalty provided by law, upon conviction thereof, be fined not more than \$500, or imprisoned not more than 1 year, or both.

Section 34. Fraud and false statements.

Any person who—

(1) Declaration under penalties of perjury.—Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or

(2) Aid or assistance.—Willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the state revenue laws, of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document; or

(3) Fraudulent bonds, permits, and entries.—Simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document

required by the provisions of this title, or by any regulation made in pursuance thereof, or procures the same to be falsely or fraudulently executed, or advises, aids in, or connives at such execution thereof, or

(4) Removal or concealment with intent to defraud.— Removes, deposits, or conceals, or is concerned in removing, depositing, or concealing, any goods or commodities for or in respect whereof any tax is or shall be imposed, or any property upon which levy is authorized by Section 6, with intent to evade or defeat the assessment or collection of any tax imposed by this title;

shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 3 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

Section 35. Fraudulent returns, statements, or other documents.

Any person who willfully delivers or discloses to the Commissioner or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both. Any person required pursuant to this title to furnish any information to the Commissioner or his delegate who willfully furnishes to the Commissioner or his delegate any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both.

Section 36. Failure to obey subpoena.

Any person who, being duly subpoenaed to appear to testify, or to appear and produce books, accounts, records, memoranda, or other papers, as required under Section 40-2-11(7) and (8), Code of Alabama 1975, or any other section in this title requiring the production of information, neglects or fails to appear without cause or to produce such books, accounts, records, memoranda, or other papers without cause, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with costs of prosecution as determined and ordered distributed by the trial court.

Section 37. Attempts to interfere with administration of state revenue laws—Taxpayer protection from harassment.

(a) Corrupt or forcible interference. - Whoever corruptly or by force or threats of force (including any threatening letter or communication) endeavors to intimidate or impede any officer or employee of the State of Alabama acting in an official capacity under this title, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or endeavors to obstruct or impede, the due administration of this title, shall, upon conviction thereof, be fined not more than \$5,000, or imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person convicted thereof shall be fined not more than \$3,000, or imprisoned not more than 1 year, or both. The term "threats of force", as used in this subsection, means threats of bodily harm to the officer or employee of the State of Alabama or to a member of his family.

(b) Forcible rescue of seized property.—Any person who forcibly rescues or causes to be rescued any property after it shall have been seized

under this title, or shall attempt or endeavor so to do, shall, excepting in cases otherwise provided for, for every such offense, be fined not more than \$500, or not more than double the value of the property so rescued, whichever is the greater, or be imprisoned not more than 2 years.

(c) Any employee of the State Revenue Department acting in an official capacity under the provisions of this title who by unlawful force or threats of force endeavors to intimidate or harass a taxpayer, upon determination by a special board to be appointed by the State Personnel Department that the charge is valid, shall be subject to immediate dismissal, and upon such dismissal may be subject to such penalties as provided under this section. The term "threats of force" as used in this subsection means threats of bodily harm to the taxpayer or to a member of his family.

**Section 38. Periods of limitation on criminal prosecutions.**

No person shall be prosecuted, tried, or punished for any of the various offenses arising under the revenue laws unless the indictment is found or the prosecution instituted within 3 years next after the commission of the offense, except that the period of limitation shall be 6 years—

(1) for offenses involving the defrauding or attempting to defraud the State of Alabama or any agency thereof, whether by conspiracy or not, and in any manner;

(2) for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof;

(3) for the offense of willfully aiding or assisting in, or procuring, counseling, or advising, the preparation or presentation under, or in connection with any matter arising under, the statute revenue laws, of a false or fraudulent return, affidavit, claim or document (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document);

(4) for the offense of willfully failing to pay any tax, or make any return at the time or times required by law or regulations;

(5) for offenses described in Sections 34 and 35 (relating to false statements and fraudulent documents);

(6) for the offense described in Section 37 (relating to intimidation of officers and employees of the State of Alabama); The time during which the person committing any of the various offenses arising under the revenue laws is outside the State of Alabama or is a fugitive from justice within the meaning of the State of Alabama Code, shall not be taken as any part of the time limited by law for the commencement of such proceedings.

**Section 39.** The Commissioner of Revenue will file a report in one year periods of the effective date of this Act for a period of five years that states the amount of additional tax money that was collected as the result of this Act. This report shall be delivered to each Legislator and each Constitutional officer.

**Section 40.** All laws or parts of laws which conflict with this Act are repealed.

**Section 41.** The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

**Section 42.** This Act shall become effective the first day of January,

1984.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

On motion of Senator Teague, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 13, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 23; Nays 0.

*Yeas:*

Senators:	Cooley	Ellis	Mitchem	
Amari	Corbett	Figures	Parsons	
Bedsole	deGraffenried	Foshee	Sanders	
Bennett	Denton	Holmes	Smith (J)	
Bishop	Dial	Langford	Strong	
Cabaniss	Drinkard	Little	Teague	—23

*Nays:* —0

And said Bill, H. B. 13, as thus amended by the Conference Committee Report, was again read at length and passed.

Yeas 22; Nays 1.

*Yeas:*

Senators:	Cabaniss	Figures	Parsons	
Aldridge	Cooley	Foshee	Sanders	
Amari	Corbett	Holmes	Smith (J)	
Bedsole	deGraffenried	Langford	Strong	
Bennett	Denton	Little	Teague	
Bishop	Drinkard	Mitchem		—22

*Nay:* Senator Hand —1

### RESOLUTION

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 68. ADJOURNMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the Legislature adjourn today, December 15, 1983, it adjourn sine die.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

**REPORT FROM RULES**

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. R. 62. REQUESTING RECONSIDERATION BY THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY BOARD WITH REGARD TO ITS DECISION OF DECEMBER 13, 1983, TO DISAPPROVE THE IN-VITRO FERTILIZATION PROGRAM FOR BIRMINGHAM'S UNIVERSITY HOSPITALS.**

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

**MOTION TO CONCUR RECONSIDERED**

On motion of Senator Mitchem, the Senate reconsidered the vote by which the Senate concurred in and adopted the House amendment to the Bill, S. B. 11.

On motion of Senator Mitchem, the Senate non-concurred in the House amendment to the Bill, S. B. 11, and requested a Committee on Conference.

Yeas 20; Nays 0

Yeas:

<b>Senators:</b>	<b>Cooley</b>	<b>Foshee</b>	<b>Menton</b>
<b>Aldridge</b>	<b>Corbett</b>	<b>Hand</b>	<b>Mitchem</b>
<b>Amari</b>	<b>deGraffenried</b>	<b>Holmes</b>	<b>Parsons</b>
<b>Bennett</b>	<b>Denton</b>	<b>Langford</b>	<b>Smith (J)</b>
<b>Bishop</b>	<b>Drinkard</b>	<b>Little</b>	<b>Strong</b>
<b>Cabaniss</b>			

—20

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Senators Mitchem, Cabaniss, and Holmes.

**REPORT FROM RULES**

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. J. R. 58. URGING THE INTERSTATE COMMERCE COMMISSION TO GRANT CSX CORPORATION AUTHORITY TO OPERATE BARGE LINES.**

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate

with a favorable report, to-wit:

H. J. R. 133. URGING THE INTERSTATE COMMERCE COMMISSION TO GRANT CSX CORPORATION AUTHORITY TO OPERATE BARGE LINES.

On motion of Senator Parsons, the Resolution was then concurred in and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 64. HONORING MR. JAMES W. PIPKIN OF ATMORE, ALABAMA, FOR EXTRAORDINARY AND DISTINGUISHED SERVICE.

Also:

S. R. 63. URGING GOVERNOR GEORGE C. WALLACE TO INCLUDE THE UNIVERSITY OF NORTH ALABAMA AMONG RECIPIENTS OF ANY FUNDS APPROPRIATED FOR ALLOCATION TO STATE INSTITUTIONS OF HIGHER LEARNING FOR THE PURPOSE OF HIGH TECHNOLOGY AND SCIENTIFIC RESEARCH.

On motion of Senator Parsons, the Resolutions were then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 65. COMMEMORATING THE DEATH OF PRESIDENT JOHN FITZGERALD KENNEDY.

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

Senator Drinkard requested and received permission to add the names of the entire Senate as co-sponsors of the above Resolution, S. J. R. 65.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 67. COMMENDING MR. ROBERT LAWRENCE APPLING OF IRVINGTON, ALABAMA, FOP NATIONAL MAN OF THE YEAR.

On motion of Senator Menton, the Resolution was then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 66. REQUESTING THAT ALL OFF-SHORE DRILLING COMPANIES MAKE A CONCERTED EFFORT TO EMPLOY

**ALABAMIANS IN THEIR OPERATIONS.**

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 145. COMMENDING MR. AND MRS. OLIN SHEPPARD OF ROANOKE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.**

Also:

**H. J. R. 143. COMMENDING MRS. CLYDE SHIPLEY OF THE TOWN OF MOUNDVILLE.**

Also:

**H. J. R. 140. HONORING MRS. THELMA AUSTIN RICE UPON HER RETIREMENT FROM ALABAMA STATE UNIVERSITY.**

Also:

**H. J. R. 142. EXPRESSING APPRECIATION TO THE ROTUNDA TELEPHONE OPERATORS FOR THEIR COURTEOUS ASSISTANCE TO MEMBERS OF THE LEGISLATURE.**

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Butler and Smith:

**H. 30. To amend Section 17-4-156 of the Code of Alabama 1975, relating to sessions of boards of registrars and working days for such boards, so as to provide that such sessions and working days shall be based on the fiscal year beginning October 1, 1983, and thereafter.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**H. B. 30. To the Committee on Governmental Affairs.**



**RECESS**

At 1:35 P.M., on motion of Senator Parsons, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 3:05 P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 3. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

Also:

S. 5. To amend Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama, as amended, which act relates to the power of counties to issue warrants to finance the costs of necessary public buildings, bridges and roads; to authorize each county in the State of Alabama to sell and issue from time to time warrants for the purpose of paying the costs of acquiring (by construction, purchase or otherwise) public facilities which such county is authorized to acquire by laws other than this act; to define public facilities and other particular terms used in the substantive provisions of this act; to authorize the county commission of each county issuing warrants pursuant to the provisions of this act to determine whether such warrants shall be general obligations of such county or limited obligations payable solely from a specified source; to authorize such county commission to determine, within the constraints of this act, the terms and conditions of such warrants; to provide that certain taxes, revenues and other funds may be pledged as additional security for general obligation warrants issued under the provisions of this act; to provide that certain taxes, revenues and other funds may be pledged as the sole source of payment for limited obligation warrants issued under the provisions of this act; to specify the effect and priority of any such pledges; to authorize the issuance of refunding warrants and to specify the nature of the debt that may be refunded thereby; to provide that warrants issued under the provisions of this act shall be legal investments; to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county; to provide that the provisions of this act shall control over inconsistent provisions of other laws; and to provide that the provisions of this act shall be severable.

Also:

S. 10. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Author-

ity not exceeding \$6,000,000 in aggregate principal amount.

Also:

S. 13. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, bearing compound interest or no interest, computed and payable at such time or times as may be provided, or at a discount equivalent to compound interest, and that this act is declarative of existing law.

Also:

S. 16. Relating to military affairs and civil defense; amending: Section 31-2-8, Code of Alabama 1975, relating to the organization of the state guard; Section 31-2-9, Code of Alabama 1975, pertaining to the separate powers of the governor and adjutant general over the guard separate from federal control; and Section 31-2-10 relating to appropriations for the state guard, so as to change the name from state guard to state defense force and to authorize the governor to call the state defense force into temporary action.

CHARLES BISHOP,  
Chairperson.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### RECESS

At 3:10 P.M., on motion of Senator Cabaniss, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 4:06 P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 3. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and or amphetamine like anorectic drug or compound and or any sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the

therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

Also:

H. 26. To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2, and 40-20-8, so as to provide for a definition of "submerged lands", "off-shore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 25 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; to repeal conflicting laws; provide certain taxing limits on local government entities; and provide for an effective date.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 13. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for

payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**H. J. R. 133. URGING THE INTERSTATE COMMERCE COMMISSION TO GRANT CSX CORPORATION AUTHORITY TO OPERATE BARGE LINES.**

Also:

**H. J. R. 140. HONORING MRS. THELMA AUSTIN RICE UPON HER RETIREMENT FROM ALABAMA STATE UNIVERSITY.**

Also:

**H. J. R. 142. EXPRESSING APPRECIATION TO THE ROTUNDA TELEPHONE OPERATORS FOR THEIR COURTEOUS ASSISTANCE TO MEMBERS OF THE LEGISLATURE.**

Also:

**H. J. R. 143. COMMENDING MRS. CLYDE SHIPLEY OF THE TOWN OF MOUNDVILLE.**

Also:

**H. J. R. 145. COMMENDING MR. AND MRS. OLIN SHEPPARD OF ROANOKE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.**

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### RECESS

At 4:10 P.M., on motion of Senator Little, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 4:45 P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the House amendment to the Senate Bill:

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

And the Speaker of the House has appointed as a Committee on the

part of the House Messrs. Clark (J), Smith and Trammell.

JOHN W. PEMBERTON,  
Clerk.

### REPORT OF COMMITTEE ON CONFERENCE SENATE BILL 11

We, the Committee of Conference appointed to reconcile the differences between the two Houses concerning Senate Bill 11, have met and considered the matter referred and beg leave to report as follows:

Said Conference Committee recommends that the bill be amended as follows:

On Page 7, Section 4, line 16, after the period following the word "herein" add the following:

"The authorization for the Authority to issue additional bonds in aggregate principal amount to provide the initial capital of up to \$3,000,000 for said revolving loan fund shall be contingent upon the passage by the legislature and the signature of the Governor or upon its otherwise becoming law of appropriate funding measures to provide additional revenue to cover the debt service on said bonds and cause no state department, board, bureau or agency to have a reduction in receipts now provided."

Conferees on part of the Senate.

HINTON MITCHEM,

W. J. CABANISS, JR.,

DONALD G. HOLMES.

Conferees on part of the House.

JAMES A. CLARK,

CURTIS SMITH,

HOYT W. TRAMMELL.

### CONFERENCE REPORT

On motion of Senator Teague, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into

a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Yeas 19; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Menton	
Aldridge	Corbett	Goodwin	Mitchem	
Bedsole	Covington	Hand	Parsons	
Bennett	Denton	Langford	Strong	
Bishop	Ellis	Little	Teague	— 19

Nays: —0

And said Bill, S. B. 11, as thus amended by the Conference Committee Report, was again read at length and passed, and sent forthwith to the House for its consideration.

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Menton	
Aldridge	Denton	Hand	Mitchem	
Bennett	Ellis	Holmes	Parsons	
Bishop	Figures	Langford	Strong	
Cooley	Foshee	Little	Teague	—20
Corbett				

Nays: —0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 54. STATING AND CLARIFYING LEGISLATIVE INTENT AND RECOMMENDING ACTION TO THE UNIVERSITY OF SOUTH ALABAMA BOARD OF TRUSTEES AND FOUNDATION.

JOHN W. PEMBERTON,  
Clerk.

**RESOLUTION**

Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Resolution, to-wit:

S. R. 69. CONGRATULATING MR. AND MRS. JAMES L. SUMNER, JR., OF MONTGOMERY, ALABAMA, ON THE BIRTH OF A SON, JAMES MATTHEW HAMLIN SUMNER.

Which was adopted.

**RECESS**

At 4:55 P.M., on motion of Senator Teague, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 5 o'clock P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 52. REQUESTING THE JEFFERSON COUNTY COMMISSION TO PROVIDE ALL POSSIBLE ASSISTANCE IN RE-OPENING THE MORGAN ROAD BRIDGE.

Also:

S. J. R. 55. COMMENDING CRIMSON TIDER, KERRY GOODE, TOP SEC ROOKIE OF THE YEAR.

Also:

S. J. R. 56. COMMENDING BOBBY ALLISON.

Also:

S. J. R. 58. URGING THE INTERSTATE COMMERCE COMMISSION TO GRANT CSX CORPORATION AUTHORITY TO OPERATE BARGE LINES.

Also:

S. J. R. 61. REQUESTING RECONSIDERATION BY THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY BOARD WITH REGARD TO ITS DECISION OF DECEMBER 13, 1983, TO DISAPPROVE THE IN-VITRO FERTILIZATION PROGRAM FOR BIRMINGHAM'S UNIVERSITY HOSPITALS.



Also:

S. J. R. 65. COMMEMORATING THE DEATH OF PRESIDENT JOHN FITZGERALD KENNEDY.

Also:

S. J. R. 68. RELATIVE TO ADJOURNING SINE DIE.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 5. DESIGNATING CERTAIN AREA IN MONTGOMERY AS PART OF "THE CAPITOL COMPLEX."

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Teague, the Senate concurred in and adopted the following House substitute for the Resolution, S. J. R. 5, the title of which is set out in the foregoing Message from the House, to-wit:

### SUBSTITUTE FOR S. J. R. 5

S. J. R. 5. ESTABLISHING JOINT INTERIM CAPITOL COMPLEX OVERSIGHT COMMITTEE AND DEFINING THE BOUNDARIES OF SAID AREA.

WHEREAS, The Alabama Legislature finds that the area described herein as the "capitol complex" is a vital part of the past, present, and future of the State of Alabama and that its development must be regulated in such a manner as to insure the character and dignity of the public facilities which constitute the capitol complex of the State of Alabama. The Legislature, in adopting this resolution, has recognized that a part of the City of Montgomery is first and foremost, the capitol of this state and that the final authority for long-range planning of the capitol complex should vest in the State of Alabama in cooperation with the City of Montgomery. It is not the purpose of this resolution to acquire property or to prohibit private development, but rather to ensure that all development within the district, whether public or private, is consistent with the state concern for a well-planned, efficient and aesthetically attractive state capitol complex; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the City of Montgomery shall have total responsibility for the traffic regulation and flow and maintenance of the dedicated streets, utilities, roadways, bridges and sidewalks and the enforcement of all City codes and ordinances within the area of the capitol complex, with the exception of state owned property. The area of the capi-

tol complex shall be within the court and police jurisdictions of the City of Montgomery.

**RESOLVED FURTHER**, That there is hereby created the Alabama Capitol Complex Planning District, which may be referred to in this resolution as "capitol complex" or "district." The district shall extend to and include all lands within the following boundaries of the City of Montgomery:

Commence on the corner of Jackson Street and Madison Avenue; thence Westerly along Madison Avenue to Hull Street; thence Southerly along Hull Street to one-half block North of Dexter Avenue; thence Westerly to Court Square Area; thence one-half block South of Dexter Avenue; thence East to Hull Street; thence Southerly along Hull Street to High Street; thence Easterly along High Street to Ripley Street; thence Northerly along Ripley Street to Adams Avenue; thence Easterly along Adams Avenue to Jackson Street; thence Northerly along Jackson Street to Madison Avenue, the point of beginning (see attached Map, page 4).

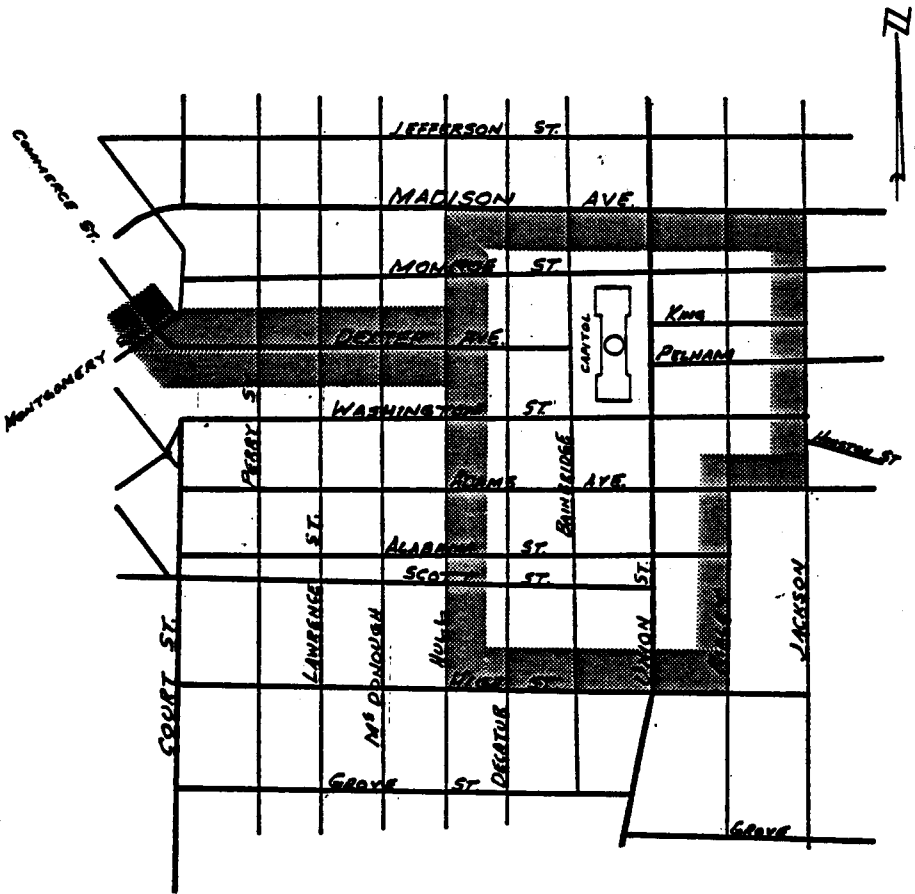
**BE IT FURTHER RESOLVED**, That there is hereby established the joint Capitol Complex Oversight Committee. There shall be 5 members from the House of Representatives and 5 members from the Senate, appointed by the respective presiding officers. The committee shall study and develop legislation in cooperation with the City of Montgomery and the State Building Commission to implement by legislative act a planned Capitol Complex. Said committee shall elect from among its members a chairman and vice chairman and shall set its own rules of procedure. The committee shall meet at the call of the chair or upon the request of four or more members. Said committee shall advise the Building Commission and Alabama Legislature concerning matters within the Capitol Complex concerning legislation which might be presented for consideration to the Legislature. The State Building Commission shall be authorized to review all construction, including additions refurbishing or any structural alteration of any buildings or other structures, in addition to any aesthetic changes thereto which shall be subject to approval of the Architectural Review Board, (Montgomery Area), the location of and use of buildings or structures therein together with the real property in said district, with the exception of state owned property, shall be subject to all City codes and ordinances.

**RESOLVED FURTHER**, The responsibilities and jurisdictions of the State Building Commission shall include, but not be limited to:

- (1) Review and coordinating additions to existing buildings as well as the location and construction of new buildings within the capitol complex;
- (2) Developing appropriate landscaping and architectural style, as well as a long-range plan for traffic flow and control in and through the capitol complex with the approval of the appropriate City agencies and commissions; and
- (3) Periodically recommending to the Legislature any changes necessary in the designation of the capitol complex planning district itself.

**BE IT FURTHER RESOLVED**, That the members shall be entitled to their legislative compensation, per diem, mileage and expense allowance while not in legislative session for each day the committee is engaged in its official duties pursuant to this resolution, which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Said committee shall terminate on January 1, 1986. Said committee's com-

pensation and expenses shall not exceed \$10,000 per year.



MAP OF  
CAPITOL COMPLEX AREA

On motion of Senator Teague, the Resolution, S. J. R. 5, as amended by the substitute, was again adopted by the Senate.

### RESOLUTION

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 70. COMMENDING MR. KEN MITCHELL, FORMER EXECUTIVE VICE PRESIDENT OF THE HOME BUILDERS ASSOCIATION OF ALABAMA.

WHEREAS, Ken Mitchell served as Executive Vice President of the Home Builders Association of Alabama from October 1977 to October 1983;

and

WHEREAS, Ken Mitchell served as a registered lobbyist for the Home Builders Association of Alabama; and

WHEREAS, over the years Ken Mitchell provided the Legislature of Alabama information relative to housing and housing needs; and

WHEREAS, Ken Mitchell was instrumental in the creation of the Alabama Housing Finance Authority; and

WHEREAS, the Alabama Housing Finance Authority has provided thousands of low and moderate income families with safe and sanitary housing at a reduced mortgage rate; and

WHEREAS, Ken Mitchell gained the respect and trust of the members of the Alabama Legislature; and

WHEREAS, Ken Mitchell has left Alabama to accept the position of Executive Vice President, North Carolina Home Builders Association; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we commend Ken Mitchell for his many contributions to housing-related legislation and the housing industry of Alabama.

Which was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the amendment to the bill:

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition

of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 125. AMENDING ACT NO. 83-72, H.J.R. 24, 1983 1ST SPECIAL SESSION, WHICH CREATED AN INTERIM COMMITTEE ON FINANCES AND BUDGETS, SO AS TO INCREASE THE MEMBERSHIP ON THE COMMITTEE.

On motion of Senator Bishop, the Resolution was then concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 125. AMENDING ACT NO. 83-72, HJR 24, 1983 1ST SPECIAL SESSION, WHICH CREATED AN INTERIM COMMITTEE ON FINANCES AND BUDGETS, SO AS TO INCREASE THE MEMBERSHIP ON THE COMMITTEE.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolution with the original Senate Bill and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Also:

S. J. R. 5. ESTABLISHING JOINT INTERIM CAPITOL COMPLEX OVERSIGHT COMMITTEE AND DEFINING THE BOUNDARIES OF SAID AREA.

Also:

S. J. R. 52 REQUESTING THE JEFFERSON COUNTY COMMISSION TO PROVIDE ALL POSSIBLE ASSISTANCE IN RE-OPENING THE MORGAN ROAD BRIDGE.

Also:

S. J. R. 54. STATING AND CLARIFYING LEGISLATIVE INTENT

AND RECOMMENDING ACTION TO THE UNIVERSITY OF SOUTH ALABAMA BOARD OF TRUSTEES AND FOUNDATION.

Also:

S. J. R. 55. COMMENDING CRIMSON TIDER, KERRY GOODE, TOP SEC ROOKIE OF THE YEAR.

Also:

S. J. R. 56. COMMENDING BOBBY ALLISON.

Also:

S. J. R. 58. URGING THE INTERSTATE COMMERCE COMMISSION TO GRANT CSX CORPORATION AUTHORITY TO OPERATE BARGE LINES.

Also:

S. J. R. 61. REQUESTING RECONSIDERATION BY THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY BOARD WITH REGARD TO ITS DECISION OF DECEMBER 13, 1983, TO DISAPPROVE THE IN-VITRO FERTILIZATION PROGRAM FOR BIRMINGHAM'S UNIVERSITY HOSPITALS.

Also:

S. J. R. 65. COMMEMORATING THE DEATH OF PRESIDENT JOHN FITZGERALD KENNEDY.

CHARLES BISHOP,  
Chairperson.

### **SIGNING OF BILLS AND RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

S. J. R. 8

S. J. R. 44

S. J. R. 45

Delivered to the Governor, December 15, 1983, at 10:25 A.M.

S. B. 3

S. B. 5

S. B. 10

S. B. 13

S. B. 16

Delivered to the Governor, December 15, 1983, at 3:40 P.M.

S. B. 11

S. J. R. 5

S. J. R. 52

S. J. R. 54

S. J. R. 55

S. J. R. 56

S. J. R. 58

S. J. R. 61

S. J. R. 65

Delivered to the Governor, December 15, 1983, at 6 o'clock P.M.

McDOWELL LEE,  
Secretary.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth and Ninth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

### COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journals of the Senate for the Eighth and Ninth Legislative Days were approved by the Senate.

### ADJOURNMENT

At 6:15 P.M., on motion of Senator Teague, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/ McDOWELL LEE,  
Secretary of Senate.



**ROSTER OF THE SENATE OF ALABAMA****1983**

Bill Baxley, <i>Lieutenant Governor</i> .....	State Capitol, Montgomery
John A. Teague, <i>President Pro-Tem</i> .....	Childersburg
McDowell Lee, <i>Secretary</i> .....	Montgomery
John D. Crawford, <i>Assistant Secretary</i> .....	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i> .....	Montgomery
<b>First Senatorial District</b>	
Bobby Denton ....	Bank Independent, P. O. Drawer B, Sheffield 35660
<b>Second Senatorial District</b>	
Jim Smith .....	108-A South Side Square, Huntsville 35801
<b>Third Senatorial District</b>	
Gary L. Aldridge .....	210 E. Molton, Decatur 35601
<b>Fourth Senatorial District</b>	
Steve Cooley .....	P. O. Box 1186, Cullman 35056
<b>Fifth Senatorial District</b>	
Charles Bishop .....	P. O. Box 2328, Jasper 35501
<b>Sixth Senatorial District</b>	
Roger H. Bedford .....	P. O. Box 669, Russellville 35653
<b>Seventh Senatorial District</b>	
Bill G. Smith .....	2009 Gallatin St., S.W., Huntsville 35801
<b>Eighth Senatorial District</b>	
Lowell R. Barron .....	P. O. Box 65, Fyffe 35971
<b>Ninth Senatorial District</b>	
Hinton Mitchem .....	P. O. Box 297, Albertville 35950
<b>Tenth Senatorial District</b>	
Bill Drinkard .....	P. O. Box 372, Gadsden 35902
<b>Eleventh Senatorial District</b>	
John A. Teague .....	P. O. Box 427, Childersburg 35044
<b>Twelfth Senatorial District</b>	
Donald G. Holmes .....	1916 Robinhood Drive, Oxford 36203
<b>Thirteenth Senatorial District</b>	
Gerald Dial .....	P. O. Box 248, Lineville 36266
<b>Fourteenth Senatorial District</b>	
Frank (Butch) Ellis, Jr. ....	P. O. Box 587, Columbiana 35051
<b>Fifteenth Senatorial District</b>	
John E. Amari .....	9636 Parkway East, Birmingham 35215
<b>Sixteenth Senatorial District</b>	
William J. Cabaniss, Jr. ....	P. O. Box 57032, Birmingham 35259
<b>Seventeenth Senatorial District</b>	
Mac Parsons .....	1285 E. Hueytown Rd., Hueytown 35023

**Eighteenth Senatorial District**

J. Richmond Pearson ..... P. O. Box 11135, Birmingham 35202

**Nineteenth Senatorial District**Jim Bennett ..... 2010 Brookwood Medical Center Drive,  
Birmingham 35259**Twentieth Senatorial District**

Earl F. Hilliard ..... P. O. Box 11385, Birmingham 35202

**Twenty-first Senatorial District**

Ryan deGraffenried ..... P. O. Box 2263, Tuscaloosa 35403

**Twenty-second Senatorial District**

Frances (Sister) Strong ..... 400 South Main, Demopolis 36732

**Twenty-third Senatorial District**

Henry (Hank) Sanders ..... P. O. Box 1305, Selma 36702

**Twenty-fourth Senatorial District**

Earl Goodwin ..... P. O. Box 886, Selma 36702

**Twenty-fifth Senatorial District**

Larry Dixon ..... P. O. Box 946, Montgomery 36102

**Twenty-sixth Senatorial District**

Charles D. Langford ..... 918 East Grove Street, Montgomery 36104

**Twenty-seventh Senatorial District**

T. D. (Ted) Little ..... P. O. Box 2366, Auburn 36830

**Twenty-eighth Senatorial District**

J. Danny Corbett ..... Route 7, Box 821, Phenix City 36867

**Twenty-ninth Senatorial District**

Chip Bailey ..... P. O. Box 6791, Dothan 36302

**Thirtieth Senatorial District**

J. Foy Covington, Jr. .... Rt. 2, Newville 36353

**Thirty-first Senatorial District**

E. C. (Crum) Foshee ..... 310 Baisden St., Andalusia 36420

**Thirty-second Senatorial District**

Perry A. Hand ..... P. O. Box 478, Gulf Shores 36542

**Thirty-third Senatorial District**

Michael A. Figures ..... 2317 St. Stephens Rd., Mobile 36617

**Thirty-fourth Senatorial District**

Ann Bedsole ..... P. O. Box 16642, Mobile 36616

**Thirty-fifth Senatorial District**

William J. (Bill) Menton ..... Rt. 2, Box 171, Irvington 36544

**STANDING COMMITTEES  
OF THE  
ALABAMA STATE SENATE  
1983**

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**FINANCE AND TAXATION  
EDUCATION SUB-COMMITTEE**

Mitchem, Chairperson; Little, Deputy Chairperson; deGraffenried, Vice Chairperson; Aldridge, Bailey, Cooley, Ellis, Foshee, Hilliard, Holmes, Langford, Smith (J.), Strong.

**FINANCE AND TAXATION  
GENERAL FUND SUB-COMMITTEE**

Mitchem, Chairperson; Little, Deputy Chairperson; Goodwin, Vice Chairperson; Amari, Barron, Bedford, Bennett, Corbett, Denton, Figures, Hand, Pearson, Smith (B.).

**RULES**

Bishop, Chairperson; Parsons, Vice Chairperson; Aldridge, Cooley, Denton, Figures, Foshee.

**JUDICIARY**

Hilliard, Chairperson; Ellis, Vice Chairperson; Aldridge, Amari, Bedford, Bennett, Cooley, deGraffenried, Langford, Little, Menton, Parsons, Sanders, Smith (J.), Strong.

**GOVERNMENTAL AFFAIRS**

Langford, Chairperson; Bennett, Vice Chairperson; Bailey, Barron, Cooley, Corbett, Covington, Dixon, Drinkard, Ellis, Figures, Goodwin, Parsons, Pearson, Sanders.

**CONSTITUTIONAL REVISION**

deGraffenried, Chairperson; Sanders, Vice Chairperson; Aldridge, Ellis, Figures, Smith (B.), Smith (J.).

**AGRICULTURE, CONSERVATION, AND FORESTRY**

Bailey, Chairperson; Menton, Vice Chairperson; Aldridge, Bedford, Covington, Denton, Dial, Ellis, Figures, Goodwin, Hand, Little, Mitchem, Sanders, Smith (J.).

**BUSINESS AND LABOR RELATIONS**

Corbett, Chairperson; Drinkard, Vice Chairperson; Bennett, Bedford, Cooley, Figures, Foshee, Parsons, Sanders.

**EDUCATION**

Parsons, Chairperson; Strong, Vice Chairperson; Bedsole, Bailey, Cooley, Corbett, Foshee, Hand, Hilliard.

**HEALTH AND WELFARE**

Aldridge, Chairperson; Barron, Vice Chairperson; Bailey, Bedsole,

Covington, Dixon, Drinkard, Holmes, Smith (J.).

#### **BANKING AND INSURANCE**

Smith (J.), Chairperson; Bennett, Vice Chairperson; Amari, Barron, Cabaniss, deGraffenried, Denton, Drinkard, Foshee, Hilliard, Little, Mitchem, Sanders, Smith (B.), Strong.

#### **COMMERCE, TRANSPORTATION, AND UTILITIES**

Denton, Chairperson; Bedford, Vice Chairperson; Amari, Bishop, Cabaniss, Foshee, Hilliard, Holmes, Smith (B.).

#### **CONSUMER AFFAIRS**

Figures, Chairperson; Smith (J.), Vice Chairperson; Bennett, Corbett, Parsons, Sanders, Strong.

#### **BUILDINGS AND GROUNDS**

Foshee, Chairperson; Covington, Vice Chairperson; Bishop.

#### **INDUSTRIAL EXPANSION, ECONOMIC GROWTH, AND JOBS**

Smith (B.), Chairperson; Covington, Vice Chairperson; Amari, Bailey, Cabaniss, Cooley, Dixon, Figures, Smith (J.).

#### **COMMITTEE ON AGING**

Amari, Chairperson; Menton, Vice Chairperson; Bailey, Barron, Bennett, Corbett, Drinkard, Goodwin, Holmes.

#### **STUDENT AND YOUTH ACTIVITIES**

Bedford, Chairperson; Strong, Vice Chairperson; Bedsole, Dial, Dixon, Little, Menton.

#### **SMALL BUSINESS**

Holmes, Chairperson; Amari, Vice Chairperson; Bedford, Cabaniss, Dixon, Hand, Goodwin.

#### **MILITARY AFFAIRS**

Dial, Chairperson; Holmes, Vice Chairperson; Barron, Bedsole, Covington, Hand, Menton.

#### **LOCAL LEGISLATION NO. 1**

Foshee, Chairperson; Bedford, Vice Chairperson; Aldridge, Bishop, Covington, Dial, Hand.

#### **LOCAL LEGISLATION NO. 2**

Pearson, Chairperson; Parsons, Vice Chairperson; Amari, Bennett, Cabaniss, Hilliard.

#### **LOCAL LEGISLATION NO. 3**

Figures, Chairperson; Menton, Vice Chairperson; Bedsole, Hand.

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**STANDING COMMITTEE ASSIGNMENTS  
FOR 1983  
ALABAMA STATE SENATE**

**3rd District**

**GARY ALDRIDGE**—Chairperson, Health and Welfare; Finance and Taxation Education Sub-Committee; Rules; Judiciary; Constitutional Revision; Agriculture, Conservation, and Forestry; Local Legislation No. 1.

**15th District**

**JOHN AMARI**—Chairperson, Committee on Aging; Vice Chairperson, Small Business; Finance and Taxation General Fund Sub-Committee; Judiciary; Banking and Insurance; Commerce, Transportation, and Utilities; Industrial Expansion, Economic Growth, and Jobs; Local Legislation No. 2.

**29th District**

**CHIP BAILEY**—Chairperson, Agriculture, Conservation, and Forestry; Finance and Taxation Education Sub-Committee; Governmental Affairs; Education; Health and Welfare; Industrial Expansion, Economic Growth, and Jobs; Committee on Aging.

**8th District**

**LOWELL BARRON**—Vice Chairperson, Health and Welfare; Finance and Taxation General Fund Sub-Committee; Governmental Affairs; Banking and Insurance; Committee on Aging; Military Affairs.

**6th District**

**ROGER BEDFORD**—Chairperson, Student and Youth Activities; Vice Chairperson, Commerce, Transportation, and Utilities; Vice-Chairperson, Local Legislation No. 1; Finance and Taxation General Fund Sub-Committee; Judiciary; Agriculture, Conservation, and Forestry; Business and Labor Relations; Small Business.

**34th District**

**ANN BEDSOLE**—Education; Student and Youth Activities; Military Affairs; Local Legislation No. 3; Health and Welfare.

**19th District**

**JIM BENNETT**—Vice Chairperson, Governmental Affairs; Vice Chairperson, Banking and Insurance; Finance and Taxation General Fund Sub-Committee; Judiciary; Business and Labor Relations; Consumer Affairs; Committee on Aging; Local Legislation No. 2.

**5th District**

**CHARLES BISHOP**—Chairperson, Rules; Commerce, Transportation, and Utilities; Buildings and Grounds; Local Legislation No. 1.

**16th District**

**WILLIAM J. CABANISS, Jr.**—Banking and Insurance; Commerce, Transportation, and Utilities; Industrial Expansion, Economic Growth, and Jobs; Small Business; Local Legislation No. 2.

**4th District**

**STEVE COOLEY**—Finance and Taxation Education Sub-Committee; Rules; Judiciary; Governmental Affairs; Business and Labor Relations; Education; Industrial Expansion, Economic Growth, and Jobs.

**28th District**

**DANNY CORBETT**—Chairperson, Business and Labor Relations; Finance and Taxation General Fund Sub-Committee; Governmental Affairs; Education; Consumer Affairs; Committee on Aging.

**30th District**

**J. FOY COVINGTON, JR.**—Vice Chairperson, Buildings and Grounds; Vice Chairperson, Industrial Expansion, Economic Growth, and Jobs; Governmental Affairs; Agriculture, Conservation, and Forestry; Health and Welfare; Military Affairs; Local Legislation No. 1.

**21st District**

**RYAN deGRAFFENRIED, JR.**—Chairperson, Constitutional Revision; Vice Chairperson, Finance and Taxation Education Sub-Committee; Judiciary; Banking and Insurance.

**1st District**

**BOBBY DENTON**—Chairperson, Commerce, Transportation, and Utilities; Finance and Taxation General Fund Sub-Committee; Rules; Agriculture, Conservation, and Forestry; Banking and Insurance.

**13th District**

**GERALD DIAL**—Chairperson, Military Affairs; Agriculture, Conservation, and Forestry; Student and Youth Activities; Local Legislation No. 1.

**25th District**

**LARRY DIXON**—Health and Welfare; Student and Youth Activities; Small Business; Governmental Affairs; Industrial Expansion, Economic Growth, and Jobs.

**10th District**

**BILL DRINKARD**—Vice Chairperson, Business and Labor Relations; Governmental Affairs; Health and Welfare; Banking and Insurance; Committee on Aging.

**14th District**

**FRANK (BUTCH) ELLIS, JR.**—Vice Chairperson, Judiciary; Finance and Taxation Education Sub-Committee; Governmental Affairs; Constitutional Revision; Agriculture, Conservation, and Forestry.

**33rd District**

**MICHAEL A. FIGURES**—Chairperson, Consumer Affairs; Chairperson, Local Legislation No. 3; Finance and Taxation General Fund Sub-Committee; Rules; Governmental Affairs; Constitutional Revision; Agriculture, Conservation, and Forestry; Business and Labor Relations; Industrial Expansion; Economic Growth, and Jobs.

**31st District**

**E. C. (CRUM) FOSHEE**—Chairperson, Buildings and Grounds; Chairperson, Local Legislation No. 1; Finance and Taxation Education Sub-Committee; Rules; Business and Labor Relations; Education; Banking and Insurance; Commerce, Transportation, and Utilities.

**24th District**

**EARL GOODWIN**—Vice Chairperson, Finance and Taxation General Fund Sub-Committee; Governmental Affairs; Agriculture, Conservation, and Forestry; Committee on Aging; Small Business.

**32nd District**

**PERRY HAND**—Finance and Taxation General Fund Sub-Committee; Agriculture, Conservation, and Forestry; Education; Small Business; Military Affairs; Local Legislation No. 1; Local Legislation No. 3.

**20th District**

**EARL HILLIARD**—Chairperson, Judiciary; Finance and Taxation Education Sub-Committee; Education; Banking and Insurance; Commerce, Transportation, and Utilities; Local Legislation No. 2.

**12th District**

**DONALD HOLMES**—Chairperson, Small Business; Vice Chairperson, Military Affairs; Finance and Taxation Education Sub-Committee; Health and Welfare; Commerce, Transportation, and Utilities; Committee on Aging.

**26th District**

**CHARLES D. LANGFORD**—Chairperson, Governmental Affairs; Finance and Taxation Education Sub-Committee; Judiciary.

**27th District**

**T. D. (TED) LITTLE**—Deputy Chairperson, Finance and Taxation; Agriculture, Conservation, and Forestry; Judiciary; Banking and Insurance; Student and Youth Activities.

**35th District**

**BILL MENTON**—Vice Chairperson, Agriculture, Conservation, and Forestry; Vice-Chairperson, Committee on Aging; Vice-Chairperson, Local Legislation No. 3; Judiciary; Student and Youth Activities; Military Affairs.

**9th District**

**HINTON MITCHEM**—Chairperson, Finance and Taxation; Agriculture, Conservation, and Forestry; Banking and Insurance.

**17th District**

**MAC PARSONS**—Chairperson, Education; Vice-Chairperson, Rules; Vice-Chairperson, Local Legislation No. 2; Judiciary; Governmental Affairs; Business and Labor Relations; Consumer Affairs.

**18th District**

**J. RICHMOND PEARSON**—Chairperson, Local Legislation No. 2; Finance and Taxation General Fund Sub-Committee; Governmental Affairs.

**23rd District**

**HANK SANDERS**—Vice Chairperson, Constitutional Revision; Judiciary; Governmental Affairs; Agriculture, Conservation, and Forestry; Business and Labor Relations; Banking and Insurance; Consumer Affairs.

**7th District**

**BILL G. SMITH**—Chairperson, Industrial Expansion, Economic Growth, and Jobs; Finance and Taxation General Fund Sub-Committee; Constitutional Revision; Banking and Insurance; Commerce, Transportation, and Utilities.

**2nd District**

**JIM SMITH**—Chairperson, Banking and Insurance; Vice-Chairperson, Consumer Affairs; Finance and Taxation Education Sub-Committee; Judiciary; Constitutional Revision; Agriculture, Conservation, and Forestry; Health and Welfare; Industrial Expansion, Economic Growth, and Jobs.

**22nd District**

**FRANCES (SISTER) STRONG**—Vice-Chairperson, Education; Vice-Chairperson, Student and Youth Activities; Finance and Taxation Education Sub-Committee; Judiciary; Banking and Insurance; Consumer Affairs.

**11th District**

**JOHN TEAGUE**—President Pro Tempore.



**HOUSE OF REPRESENTATIVES  
FOURTH EXTRAORDINARY SESSION, 1983  
ALPHABETICAL ROSTER AND DISTRICT NUMBER**

Charles Adams, 83	Fred Horn, 53
Robert E. Albright, 21	Ron G. Johnson, 33
Spencer Bachus, 46	Roy Johnson, 63
Greg Beers, 48	Bobby M. Junkins, 30
Jack Biddle, III, 43	Yvonne Kennedy, 103
Lucius Black, Sr., 67	Ken Kvalheim, 101
A. J. Blake, 42	Richard Laird, 37
Harrell Blakeney, 66	Jack B. Lauderdale, 17
Hugh Boles, 50	Richard J. Lindsey, 39
W. C. "Bill" Bowling, 12	Bobbie G. McDowell, 56
Mike Box, 96	Bob McKee, 74
Carl C. Brakefield, 14	Stephen A. McMillan, 95
Charlie Britnell, 18	Chris McNair, 57
Morris J. "Mo" Brooks, Jr., 10	Beth Marietta, 104
Glen Browder, 34	Charles B. Martin, 8
Jenkins Bryant, Jr., 68	Nathan Mathis, 87
June Bugg, 29	Bryant Melton, Jr., 61
Ralph Burke, 24	Mike Mikell, 76
James E. Buskey, 99	Earl Mitchell, 15
John L. Buskey, 77	Sonny Moore, 41
Tom Butler, 6	Max Newman, 16
James M. Campbell, 36	Tom Nicholson, 13
Joe Carothers, Jr., 86	Michael Onderdonk, 65
Tommy Carter, 5	Paul Parker, 9
Denzel L. Clark, 4	Arthur Payne, 44
James S. Clark, 84	Walter E. Penry, Jr., 94
William Clark, 98	George Perdue, 54
Tom Coburn, 2	Phil Poole, 62
Loyd Coleman, 25	Jack Pratt, 49
W. F. "Noopie" Cosby, Jr., 70	Jim Preuitt, 32
Bobby C. Crow, 35	T. Euclid Rains, Sr., 26
Pat Davis, 58	Thomas Reed, 82
Tom Drake, 11	John Rice, 80
Roger D. Dutton, 7	Ben T. Richardson, 23
Sundra E. Escott, 60	John W. Rogers, 52
Dwight Faulk, 90	James G. Sasser, 88
Steve Flowers, 89	George G. Seibels, Jr., 47
Joe Ford, 28	Curtis Smith, 72
Bill Fuller, 38	Lewis G. Spratt, 59
Victor Gaston, 100	Nelson R. Starkey, Jr., 1
J. W. "Joe" Goodwin, 3	John Starr, Jr., 75
Billy Gray, 45	John F. Tanner, 40
George Grayson, 19	James Louis Thomas, 69
George H. Grimsley, 85	Hoyt W. Trammell, 51
E. A. Grouby, Jr., 71	J. E. Turner, 102
Albert Hall, 22	Pete Turnham, 79
Seth Hammett, 92	Jack B. Venable, 31
Taylor Harper, 105	J. E. "Jimmy" Warren, 64
Bob Harvey, 27	Frank P. White, 93
Steve Hettinger, 20	Gary White, 55
Jimmy W. Holley, 91	Lester White, 81
Alvin Holmes, 78	Mary S. Zoghby, 97
Perry O. Hooper, Jr., 73	

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA**

**1983**

**FOURTH EXTRAORDINARY SESSION**

**TOM DRAKE, *Speaker*, Cullman**

**ROY JOHNSON  
*Speaker Pro-Tem*, Tuscaloosa**

**JOHN W. PEMBERTON, *Clerk*, Montgomery**

**LOIS F. ALLEN, *Chief Clerk*, Montgomery**

**MEMBERS OF THE HOUSE**

<b>Dist. No.</b>	<b>Counties</b>	<b>Name</b>	<b>Address</b>
1	LAUDERDALE	Nelson R. Starkey, Jr. ....	301 North Pine Street, Florence 35630
2	COLBERT	Tom Coburn .....	1107 East 3rd Street, Tuscumbia 35674
3	COLBERT, LAUDERDALE	J. W. (Joe) Goodwin .....	310 Ford Road, Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE	Denzel L. Clark .....	Route 2, Box 91, Killen 35645
5	LIMESTONE	Tommy Carter .....	Route 2, Box 72, Elkmont 35620
6	MADISON	Tom Butler .....	1803 Forney Drive, Huntsville 35805
7	LAWRENCE, MORGAN	Roger D. Dutton .....	R.R. No. 2, Trinity 35673
8	MORGAN	Charles B. Martin .....	P. O. Box 2538, Decatur 35602
9	MORGAN	Paul Parker .....	303 North Douglas, Hartselle 35640
10	MADISON	Morris J. "Mo" Brooks, Jr. .	9009 Randall Road, Huntsville 35802
11	CULLMAN, MORGAN	Tom Drake .....	P. O. Box 1165, Cullman 35055
12	CULLMAN	Bill Bowling .....	Route 2, Box 349, Hanceville 35077
13	WALKER	Tom Nicholson .....	P. O. Box 248, Jasper 35501
14	TUSCALOOSA, WALKER	Carl C. Brakefield .....	P. O. Box G, Carbon Hill 35549

- 15    **PICKENS, TUSCALOOSA**  
Earl Mitchell ..... P. O. Box 426, Northport 35476
- 16    **FAYETTE, LAMAR, MARION**  
Max Newman ..... P. O. Box 428, Millport 35576
- 17    **MARION, WINSTON**  
Jack B. Lauderdale ..... Route 1, Box 238, Hamilton 35570
- 18    **FRANKLIN, MARION**  
Charlie Britnell ..... Route 2, Box 376, Russellville 35653
- 19    **MADISON**  
George Grayson ..... P. O. Box 38, Normal 35762
- 20    **MADISON**  
Steve Hettinger ..... 100 Calhoun Street, Huntsville 35801
- 21    **MADISON**  
Robert E. Albright ..... 2024 Stanhope Dr., Huntsville 35811
- 22    **JACKSON, MADISON**  
Albert Hall ..... P. O. Box 275, Gurley 35748
- 23    **JACKSON**  
Ben T. Richardson ..... P. O. Box 1017, Scottsboro 35768
- 24    **DeKALB**  
Ralph Burke ..... P. O. Box 876, Fort Payne 35967
- 25    **MARSHALL**  
Loyd Coleman ..... P. O. Box 67, Arab 35016
- 26    **DeKALB, MARSHALL**  
T. Euclid Rains, Sr. .... Route 1, Box 326, Albertville 35950
- 27    **BLOUNT**  
Bob Harvey ..... Route 4, Box 708, Oneonta 35121
- 28    **ETOWAH**  
Joe Ford ..... Gadsden State Jr. College,  
George Wallace Dr., Gadsden 35901
- 29    **ETOWAH**  
June Bugg ..... 610 South 5th St., Gadsden 35901
- 30    **ETOWAH, ST. CLAIR**  
Bobby M. Junkins ..... 254 College Street, Gadsden 35901
- 31    **COOSA, ELMORE**  
Jack B. Venable ..... P. O. Box 736, Tallassee 36078
- 32    **TALLADEGA**  
Jim Preuitt ..... P. O. Box 1063, Talladega 35160
- 33    **TALLADEGA**  
Ron G. Johnson ..... Route 5, Box 17, Sylacauga 35150
- 34    **CALHOUN**  
Glen Browder ..... Route 2, Box 316, Jacksonville 36265
- 35    **CALHOUN**  
Bobby C. Crow ..... Route 10, Box 842, Anniston 36201

- 36 CALHOUN  
James M. Campbell . . . . . P. O. Box 2003, Anniston 36302
- 37 CHAMBERS, RANDOLPH, CLAY  
Richard Laird . . . . . 46 Randolph Plaza, Roanoke 36274
- 38 CHAMBERS  
Bill Fuller . . . . . 118 South LaFayette St., LaFayette 36062
- 39 CHEROKEE, CLEBURNE, DeKALB  
Richard J. Lindsey . . . . . Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY  
John F. Tanner . . . . . P. O. Box 37, Pelham 35214
- 41 SHELBY  
Sonny Moore . . . . . P. O. Box 44, Sterrett 35147
- 42 ST. CLAIR  
A. J. Blake . . . . . Route 1, Box 206A, Pell City 35125
- 43 JEFFERSON  
Jack Biddle, III . . . . . 2256 Pinehurst Drive, Gardendale 35071
- 44 JEFFERSON  
Arthur Payne . . . . . 2825 2nd Street, N.W., Birmingham 35215
- 45 JEFFERSON  
Billy Gray . . . . . 704 Lance Blvd., Birmingham 35206
- 46 JEFFERSON  
Spencer Bachus . . . . . 930 1st Alabama Bank Bldg.,  
Birmingham 35203
- 47 JEFFERSON  
George G. Seibels, Jr. . . . . 4016 10th Ave., S. Birmingham 35222
- 48 JEFFERSON  
Greg Beers . . . . . 1504 Verdure Circle, Birmingham 35266
- 49 JEFFERSON  
Jack Pratt . . . . . 5424 Wesley Dr., Midfield 35228
- 50 JEFFERSON  
Hugh Boles . . . . . 1036 Normandale Circle, Hueytown 35020
- 51 JEFFERSON  
Hoyt W. Trammell . . . . . Route 15, Box 247, Birmingham 35224
- 52 JEFFERSON  
John W. Rogers . . . . . 1424 18th St., S.W., Birmingham 35211
- 53 JEFFERSON  
Fred Horn . . . . . 333 16th Ave., S.W., Birmingham 35204
- 54 JEFFERSON  
George Perdue . . . . . P. O. Box 2473, Birmingham 35201
- 55 JEFFERSON  
Gary White . . . . . 2826 S. 18th St., Homewood 35209
- 56 JEFFERSON  
Bobbie Will Greene McDowell . 2322 Dartmouth, Bessemer 35020

- 57 JEFFERSON  
Chris McNair ..... Route 4, Box 388, Bessemer 35020
- 58 JEFFERSON  
Pat Davis ..... 9312 Sears Drive, Birmingham 35206
- 59 JEFFERSON  
Lewis G. Spratt ..... 3809 4th St., W., Birmingham 35207
- 60 JEFFERSON  
Sundra E. Escott ..... P. O. Box 8172, Birmingham 35218
- 61 TUSCALOOSA  
Bryant Melton, Jr. .... 4129 20th Street, Tuscaloosa 35401
- 62 TUSCALOOSA  
Phil Poole ..... P. O. Box 609, Moundville 35474
- 63 TUSCALOOSA  
Roy Johnson ..... Route 4, Box 140, Tuscaloosa 35405
- 64 CONECUH, MONROE  
J. E. (Jimmy) Warren ..... P. O. Box 207, Castleberry 36432
- 65 CLARKE, WASHINGTON  
Michael Onderdonk ..... P. O. Drawer 130, Chatom 36518
- 66 CHOCTAW, CLARKE, MARENGO  
Harrell Blakeney ..... 1101 Old Hwy. 5 So., Thomasville 36784
- 67 CHOCTAW, GREENE, SUMTER  
Lucius Black ..... P. O. Box 284, York 36925
- 68 DALLAS, PERRY, HALE  
Jenkins Bryant, Jr. .... Route 1, Box 126, Newbern 36765
- 69 DALLAS, LOWNDES, WILCOX  
James Louis Thomas ..... Rt. 2, Box 509, Hayneville 36040
- 70 DALLAS  
W. F. "Noopie" Cosby, Jr. .... Dallas County Court House,  
Selma 36701
- 71 AUTAUGA, CHILTON  
Ed Grouby ..... P. O. Box 188, Prattville 36067
- 72 BIBB, CHILTON  
Curtis Smith ..... P. O. Drawer 69, Clanton 35045
- 73 MONTGOMERY  
Perry O. Hooper, Jr. .... 509 S. Court St., Montgomery 36104
- 74 MONTGOMERY  
Bob McKee ..... P. O. Box 424, Montgomery 36101
- 75 MONTGOMERY  
John Starr, Jr. .... 2761 Forsyth Lane, Montgomery 36116
- 76 ELMORE, MONTGOMERY  
Mike Mikell ..... P. O. Box 993, Millbrook 36054
- 77 MONTGOMERY  
John L. Buskey ..... P. O. Box 6216, Montgomery 36106

- 78 MONTGOMERY  
Alvin Holmes ..... P. O. Box 6064, Montgomery 36106
- 79 LEE  
Pete Turnham ..... Box 1592, Auburn 36830
- 80 LEE  
John Rice ..... P. O. Box 2432, Opelika 36801
- 81 TALLAPOOSA  
Lester White ..... 739 Freeman St., Dadeville 36853
- 82 BULLOCK, MACON  
Thomas Reed ..... P. O. Drawer EE, Tuskegee Institute 36088
- 83 RUSSELL  
Charles Adams ..... P. O. Box 967, Phenix City 36867
- 84 BARBOUR, RUSSELL  
James S. (Jimmy) Clark ..... P. O. Box 71, Eufaula 36027
- 85 HENRY, HOUSTON  
George H. Grimsley ..... Route 1, Columbia 36319
- 86 HOUSTON  
Joe Carothers, Jr. .... Route 8, Box 33, Dothan 36301
- 87 GENEVA, HOUSTON  
Nathan Mathis ..... Route 1, Newton 36352
- 88 DALE  
James G. Sasser ..... P. O. Box 1279, Ozark 36361
- 89 PIKE, DALE  
Steve Flowers ..... P. O. Box 973, Troy 36081
- 90 BUTLER, CRENSHAW  
Dwight Faulk ..... Route 2, Box 90, Honoraville 36042
- 91 COFFEE  
Jimmy W. Holley ..... Route 3, Box 191E, Elba 36323
- 92 COVINGTON  
Seth Hammett ..... P. O. Drawer 1607, Andalusia 36420
- 93 ESCAMBIA  
Frank P. "Skippy" White ..... Rt. 1, Box 193—Pollard  
Flomaton 36441
- 94 BALDWIN  
Walter E. Penry, Jr. .... Route 2, Box 286, Daphne 36528
- 95 BALDWIN  
Steve McMillan ..... Box 337, Bay Minette 36507
- 96 MOBILE  
Mike Box ..... P. O. Box 216, Saraland 36571
- 97 MOBILE  
Mary S. Zoghby ..... 2862 Hilburn Drive, Mobile 36606
- 98 MOBILE  
William "Bill" Clark ..... 711 Atmore Ave., Prichard 36612

- 99     **MOBILE**  
James E. Buskey ..... 2207 Barretts Lane, Mobile 36617
- 100    **MOBILE**  
Victor Gaston ..... 864 West Parkwood Dr., Mobile 36608
- 101    **MOBILE**  
Ken Kvalheim ..... 421 Dogwood Dr., Mobile 36609
- 102    **MOBILE**  
J. E. Turner ..... P. O. Box 777, Citronelle 36522
- 103    **MOBILE**  
Yvonne Kennedy ..... 1205 Glennon Ave., Mobile 36603
- 104    **MOBILE**  
Beth Marietta ..... 204 S. Cedar St., Mobile 36602
- 105    **MOBILE**  
Taylor Harper ..... P. O. Box 229, Grand Bay 36541
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- Galloway, mrs. Ann, ANHA "administrator of the year," commended—  
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- Handley high school football team commended on outstanding season  
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- Hardin, miss Susan Melinda, Shelby county's junior miss,  
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- Hatley, mr. and mrs. W. E., commended on 50th wedding  
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- Hermetz, rev. Harold G., of Cullman, commended for service to Lu-  
theran ministry—  
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- Hill, mr. Joel Haven, commended for service to the legislative black  
caucus—  
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- Holland, mr. and mrs. Pearlle, commended on 50th wedding  
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- Horsley, ms. Madelyn Glass, commended as woman of the year—  
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- Howard, rep. Asbury, commended on legislative service—  
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- Hyche, mr. Ronald D., outstanding band and music teacher,  
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- Johnson, mr. and mrs. James Allen, commended on 50th wedding  
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- Johnson, mr. and mrs. Lee Roy, commended on 40th wedding  
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- Jones, mr. and mrs. Ronnie, of Mentone, commended as outstanding  
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- Kelley, former rep. Phil, commended for service to the legislature—  
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- Kirksey, rev. Peter James, of Greene county, commended—  
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Majori, mr. Charles A., commended—

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Manley, former rep. Rick, commended as legislator of the year—

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Marietta, rep. Beth, of Theodore, commended—

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Marshall, miss Alice, commended for service to the legislative black caucus—

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Maxwell, mrs. Mary Celeste Rose, commended on 100th birthday—

HJR 83, pages 79, 99, Act no. 83-886

McCauley, mr. and mrs. Homer, commended on 64th wedding anniversary—

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McInnish, mrs. Sue, of state parent teachers association, commended—

SR 31, pages 50, 201

Mitchell, mr. Ken, former executive vice president of home builders association, commended—

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Murphy, former rep. Don, commended for service to legislature—

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Nevett, dr. C. Howard, commended for distinguished service—

HJR 68, pages 79, 99, Act no. 83-882

Oak Grove high school, state 2A football champions for 1983, commended—

SJR 22, pages 45, 62, 93, 170, 185, Act no. 83-914

Oak Grove high school tiger band commended—

SR 23, page 46

SJR 34, pages 61, 75, 94, 170, 185, Act no. 83-916

Patrick, mr. Ferrell, commended for efforts on behalf of 1983 comprehensive kindergarten act—

SR 27, pages 49, 201

Pike, mr. Bill, commended for service to Center Point fire department—

HJR 54, pages 68, 108, 190, Act no. 83-949

## CONGRATULATORY (Continued)

- Pipkin, mr. James W., of Atmore, commended on extraordinary and distinguished service—  
SR 64, pages 216, 251
- Prady, mr. Floyd, commended on retirement—  
HJR 45, pages 68, 109, 189, Act no. 83-945
- Quick, miss Regina M., commended for service to the legislative black caucus—  
HJR 6, pages 24, 109, 189, Act no. 83-936
- Quinn, mr. John Jackson, of Albertville, commended on retirement—  
SR 57, pages 203, 209  
SR 60, pages 210, 218
- Rice, mrs. Thelma Austin, commended on retirement from Alabama state university—  
HJR 140, pages 221, 252, 256, Act no. 83-958
- Rose, miss Sheron J., commended for service to the legislative black caucus—  
HJR 7, pages 24, 109, 189, Act no. 83-937
- Rotunda telephone operators, appreciation expressed—  
HJR 142, pages 220, 252, 256, Act no. 83-959
- Rushton, mr. Bill, commended for efforts in securing Piney Ridge and Elkmont water grant—  
SR 32, pages 51, 201
- Russell corporation and Pop Warner football commended for sponsorship of Russell athletic bowl—  
SJR 20, pages 42, 94, 170, 185, Act no. 83-912  
HJR 52, pages 67, 74, 77, Act no. 83-859
- Scales, coach Lou, of Alexandria high school, commended on coaching career—  
SJR 38, pages 82, 99, 171, 185, Act no. 83-918
- Scott, former rep. Van, commended for service to legislature—  
HJR 88, pages 112, 200, 205, Act no. 83-894
- Shepherd, dr. Hubert Beverly, honored as representative to Animo crusade in Nigeria—  
HJR 60, pages 78, 98, Act no. 83-874
- Sheppard, mr. and mrs. Olin, commended on 50th wedding anniversary—  
HJR 145, pages 222, 252, 256, Act no. 83-961
- Shipley, mrs. Clyde, of Moundville, commended—  
HJR 143, pages 220, 252, 256, Act no. 83-960
- Simms, mr. Leroy A., Huntsville distinguished citizen for 1983, commended—  
SR 46, pages 111, 201
- Stanton, mr. Elvin, commended for efforts on behalf of 1983 comprehensive kindergarten act—  
SR 26, pages 48, 201
- Stout, former rep. David, commended for service to the legislature—  
HJR 109, pages 101, 109, 190, Act no. 83-956

## CONGRATULATORY (Continued)

- Sumner, mr. and mrs. James L., jr., congratulated on birth of a son—  
SR 69, page 260
- Thornton, former rep. Jarushia, commended for outstanding service to legislature—  
HJR 89, pages 113, 200, 206, Act no. 83-895
- Thrash, mr. and mrs. John, commended on 70th wedding anniversary—  
HJR 33, pages 66, 110, 189, Act no. 83-939
- Tri-glass industries of Daleville, commended as Alabama's fastest growing company—  
HJR 57, pages 65, 108, 190, Act no. 83-951
- University of south Alabama, 20th anniversary commemorated—  
HJR 36, pages 67, 74, 77, Act no. 83-858
- Waggoner, former rep. J. T., commended for service to legislature—  
HJR 86, pages 114, 200, 205, Act no. 83-892
- Waldrop, hon. Aaron, of Tuscaloosa, commended—  
HJR 84, pages 79, 99, Act no. 83-887
- Walesa, mr. Lech, of Poland, congratulated on winning Nobel peace prize—  
SJR 43, page 104
- Wallace, governor George C., commended for efforts on behalf of 1983 comprehensive kindergarten act—  
SR 25, pages 48, 201
- Wann, airman first class Terry C., of Stevenson, commended for courageous action—  
SR 42, page 97
- Weeks, mr. Barney, commended on retirement as president of Alabama labor council, AFL-CIO—  
SJR 45, pages 110, 174, 195, 267, Act no. 83-928
- White, mr. and mrs. Rufus, commended on 50th wedding anniversary—  
HJR 94, pages 112, 200, 206, Act no. 83-898
- Windsor, mr. and mrs. L. C., commended on 50th wedding anniversary—  
HJR 61, pages 78, 98, Act no. 83-875
- Woodland high school football team commended on outstanding season—  
HJR 64, pages 78, 98, Act no. 83-878

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- House bill 21, Act 83-576, named the "Hall-Mitchem act"—  
HJR 117, pages 185, 202, 206, Act no. 83-904
- Medical eye month, January 1984, designation of endorsed—  
SJR 44, pages 105, 174, 195, 267, Act no. 83-927
- Tuscaloosa named as official site of state fiddle championship and blue grass festival—  
HJR 114, pages 184, 202, 206, Act no. 83-903



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SR 3, page 5

Committee appointed to notify governor that legislature is in session—

SJR 1, page 4

HJR 2, pages 17, 21, Act no. 83-854

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SJR 2, pages 5, 19, 22, 102, Act no. 83-850

Finances and budgets, interim committee on, membership increased—

HJR 125, pages 182, 265, 265, Act no. 83-962

Forestry study committee, legislative, cost and expense allowance extended—

HJR 53, pages 68, 108, 189, Act no. 83-948

Heflin, senator Howell, establishment of research park in Alabama, support expressed—

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Bedford, senator Roger, jr., best wishes for speedy recovery from broken neck—

SJR 14, pages 37, 94, 170, 185, Act no. 83-909

HJR 32, pages 66, 74, 77, Act no. 83-857

Certain area in Montgomery designated as part of "the capitol complex"—

SJR 5, pages 6, 261, 266, 268, Act no. 83-929

Davis, mr. Ossie, welcomed as guest of state—

HJR 35, pages 67, 81, 97, Act no. 83-865

Dee, ms. Ruby, welcomed as guest of state—

HJR 35, pages 67, 81, 97, Act no. 83-865

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- Development of correctional education in new prisons encouraged—  
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- Health planning and development agency board requested to reconsider the in-vitro fertilization program for Birmingham's university hospitals—  
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- Interstate commerce commission urged to grant CSX corporation authority to operate barge lines—  
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- Jefferson county commission requested to assist in reopening Morgan road bridge—  
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- Joint committee on agriculture, authorized annual expenditures increased—  
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